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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, § 6.162 is added as follows:

§ 6.162 *National Security Training Commission.* (a) One private secretary or confidential assistant to the Chairman.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

2. Effective May 15, 1952, § 27.1 is amended by the addition of the following:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* * * *

Student Hospital Administration Intern, U. S. Public Health Service, approved training prior to first year of postgraduate training in hospital administration.

3. Effective May 15, 1952, § 27.2 is amended by the addition of the following:

§ 27.2 *Maximum stipends prescribed.* * * *

Student Hospital Administration Intern—U.S. Public Health Service: Approved training prior to first year of post-graduate training in hospital administration—no stipend other than any maintenance provided.

Physical Therapy Intern (Student Physical Therapist): Approved clinical training in affiliation with an approved school of physical therapy—per month: $122.50.

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
*Executive Director.*

[F. R. Doc. 52-5346; Filed, May 13, 1952; 8:53 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 CCC Peanut Bulletin, 721 (Peanuts 1951)—1, Amdt. 2]

PART 646—PEANUTS

SUBPART—1951 CROP PEANUT PRICE SUPPORT PROGRAM

AVAILABILITY

The regulations issued by Commodity Credit Corporation with respect to the 1951 Crop Peanut Price Support Program and purchases of excess oil peanuts, as amended (16 F. R. 6851, 7200, 10692), are hereby further amended to establish final dates for purchasing excess oil peanuts from producers, and for purchasing the farmers stock quota inventory from shellers, by revising paragraph (b) of § 646.303 so that such section reads as follows:

§ 646.303 *Availability*—(a) *Method of support.* CCC will support the price to eligible producers of the 1951 crop of quota peanuts through (1) contracts with shellers, CCC Peanut Form 1 (1951), whereunder the sheller agrees to pay producers not less than the support price for eligible quota peanuts and to purchase for CCC's account the excess oil peanuts in any lot containing both quota and excess oil peanuts, (2) purchases of

(Continued on p. 4371)

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FEDERAL REGISTER

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eligible quota peanuts from producers through receiving agencies (who will also purchase any excess oil peanuts in the lot), and (3) non-recourse loans to producers on eligible farm stored peanuts.

(b) *Time.* (1) CCC, through its receiving agencies, will purchase peanuts from producers during the following periods: (i) Quota peanuts (all types) from August 1, 1951, through June 15, 1952, (ii) Valencia type excess oil peanuts from August 1, 1951, through May 15, 1952, and (iii) Virginia, Runner and Spanish type excess oil peanuts from August 1, 1951, through June 15, 1952.

(2) Shellers operating under the 1951 Peanut Program Sheller Contract may purchase Valencia type excess oil peanuts from producers through May 15, 1952, and may purchase Virginia, Runner, and Spanish type excess oil peanuts from producers through July 31, 1952. Purchases by CCC of farmers stock quota inventory from shellers operating under the 1951 Peanut Program Sheller Contract will be made from December 1, 1951, through June 15, 1952.

(3) Producer loans maturing on or before June 1, 1952, will be available from August 1, 1951, through January 31, 1952. Properly executed notes and chattel mortgages must be delivered to the county committee on or before January 31, 1952.

(4) Sheller loans maturing on or before August 31, 1952, will be available from August 1, 1951, through June 15, 1952.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 359, 55 Stat. 90, as amended by sec. 6 Pub. Law 471, 81st Cong., sec. 2, Pub. Law 17, 82d Cong.; 15 U. S. C. Sup. 714b, 714c, 7 U. S. C. Sup., 1441, 1421, 1359)

Issued this 8th day of May 1952.

[SEAL] JOHN H. DEAN,
*Acting Vice President,*
*Commodity Credit Corporation.*

Approved:

HAROLD K. HILL,
*Acting President,*
*Commodity Credit Corporation.*

[F. R. Doc. 52-5322; Filed, May 13, 1952; 8:48 a. m.]

# TITLE 7—AGRICULTURE

## Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—TERRITORIAL COTTON, COTTONSEED, AND COTTONSEED PRODUCTS

HAWAII, PUERTO RICO AND VIRGIN ISLANDS

Amendments of Hawaiian and Puerto Rican Cotton, Cottonseed, and Cottonseed Products Quarantine No. 47 and supplemental regulations.

A public hearing was held in Washington, D. C. on March 28, 1951, to consider, among other things, the advisability of quarantining the Virgin Islands of the United States in order to prevent the spread of the pink bollworm of cotton and the cotton blister mite. On February 8, 1952, there was published in the FEDERAL REGISTER (17 F. R. 1219) a notice of proposed rule making concerning change of the title of the subpart "Hawaiian and Puerto Rican Cotton, Cottonseed, and Cottonseed Products," to read "Territorial Cotton, Cottonseed, and Cottonseed Products," and various amendments of Hawaiian and Puerto Rican Cotton, Cottonseed, and Cottonseed Products Quarantine No. 47 (7 CFR 301.47) and the regulations supplementary thereto (7 CFR Supp. 301.47–1 et seq.) including the extension of the quarantine and regulations to the Virgin Islands of the United States. After such public hearing and due consideration of all relevant matters presented thereat or in accordance with the said notice, and pursuant to the authority conferred by section 8 of the Plant Quarantine Act, as amended (7 U. S. C. 161), the Secretary of Agriculture hereby amends the title of this subpart to read "Territorial Cotton, Cottonseed, and Cottonseed Products" and amends the Notice of Quarantine and regulations supplementary thereto (7 CFR 301.47, 301.47–1 et seq.) in the following respects.

1. Sections 301.47, 301.47–1, 301.47–2, and 301.47–3 are amended to read as follows:

§ 301.47 *Notice of quarantine.* (a) The Secretary of Agriculture having previously quarantined the Territory of Hawaii and Puerto Rico on account of the pink bollworm of cotton (Pectinophora gossypiella Saunders) and the cotton blister mite (Eriophyes gossypii Banks), insect pests new to and not widely prevalent or distributed within and throughout the United States, now determines that it is necessary to extend the quarantine to prevent the spread of these insects from the Virgin Islands of the United States, where they are known to occur.

(b) Under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161) and having given the public hearing required thereunder, the Secretary of Agriculture hereby quarantines the Territory of Hawaii, Pureto Rico, and the Virgin Islands of the United States to prevent the spread of the said insect pests.

(c) All parts and products of plants of the genus Gossypium, such as seeds including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber; cottonseed hulls, cake, meal, and other cottonseed products, except oil; cotton waste; and all other unmanufactured parts of cotton plants; and all second-hand burlap and other fabric which have been used, or are of the kinds ordinarily used, for wrapping or containing cotton, are hereby prohibited movement from the Territory of Hawaii, Puerto Rico, and the Virgin Islands of the United States into or through any other State, Territory or District of the United States, in manner or method or under conditions other than those prescribed in the regulations hereinafter made or amendments thereto: *Provided,* That whenever the Chief of the Bureau of Entomology and Plant Quarantine, shall find that existing conditions as to the pest risk involved in the movement of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective.

§ 301.47–1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Cotton.* Parts and products of plants of the genus Gossypium, including seed cotton; cottonseed; cotton lint, linters and other forms of cotton fiber; cottonseed hulls, cake, meal, and other cottonseed products, except oil; cotton waste; and all other unmanufactured parts of cotton plants; and second-hand burlap and other fabric which have been used, or are of the kinds ordinarily used, for wrapping or containing cotton.

(b) *Seed cotton.* The unginned lint and seed admixture, just as it is picked from the cotton boll.

(c) *Cottonseed.* The seed of the cotton plant, either separated from the lint or as a component part of seed cotton.

(d) *Lint.* All forms of raw or unmanufactured ginned cotton, either baled or unbaled, including all cotton fiber, except linters, which has not been woven or spun, or otherwise manufactured.

(e) *Linters.* All forms of unmanufactured cotton fiber separated from cot-

tonseed after the lint has been removed, including that form referred to as "hull fiber."

(f) *Waste.* All forms of cotton waste derived from the manufacture of cotton lint, in any form or under any trade designation, including gin waste; and waste products derived from the milling of cottonseed.

(g) *Seedy waste.* Picker waste, gin waste, and oil mill waste, and any other cotton by-products capable of carrying a high percentage of cottonseed.

(h) *Clean waste.* Wastes derived from the processing of lint in machines after the card machine, including card strips but not card fly.

(i) *Bale covers.* Second-hand burlap and other second-hand fabric by whatever trade designation, which have been used, or are of the kinds ordinarily used, for wrapping or otherwise containing cotton. Burlap and other fabric of the kinds ordinarily used for wrapping cotton, when new or unused, are excluded from this definition.

(j) *Certificate (certification, certified).* A type of authorization, evidencing freedom from infestation, issued by the Chief of the Bureau of Entomology and Plant Quarantine to allow the movement of lint, linters, waste, seed cotton, cottonseed, cottonseed hulls, cake, and meal, and bale covers in accordance with regulations in this subpart. "Certification" and "certified" shall be construed accordingly.

(k) *Permit.* A type of general authorization issued by the Chief of the Bureau of Entomology and Plant Quarantine to allow the movement of lint, linters, waste other than seedy waste, cottonseed cake and meal, and bale covers in accordance with the regulations in this subpart.

(l) *Fumigated.* Fumigated under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine in a fumigation plant approved by the Chief of that Bureau and in accordance with methods approved by the Chief of said Bureau.

(m) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, directly or indirectly, from the Territory of Hawaii, Puerto Rico, or the Virgin Islands of the United States, into or through any other Territory, State, or District of the United States. "Movement" and "move" shall be construed accordingly.

§ 301.47–2 *Articles the movement of which is prohibited or regulated*—(a) *Articles prohibited movement.* The movement of seed cotton, cottonseed, and seedy waste, when unfumigated, is prohibited except as provided in § 301.47–3 (b) (2).

(b) *Articles the movement of which is regulated.* Lint; linters; waste; seed cotton; cottonseed; cottonseed hulls, cake, and meal; and bale covers may be moved upon compliance with the conditions prescribed in § 301.47–3.

§ 301.47–3 *Conditions governing the issuance of certificates and permits*—(a) *Fumigated lint; linters; waste; seed cotton; cotton seed; cottonseed hulls, cake, and meal; and bale covers.* Lint; linters; waste; seed cotton; cottonseed; cottonseed hulls, cake, and meal; and bale covers, fumigated in the Territory, District, or Insular Possession of origin and so certified, are allowed unrestricted movement to any port.

(b) *Unfumigated lint, linters, waste, and bale covers.* (1) Unfumigated Hawaiian, Puerto Rican, or Virgin Islands of the United States lint, linters, waste other than seedy waste, and bale covers will be allowed to move under permit, by all-water route, for entry only at the ports of Norfolk, Baltimore, New York, Boston, San Francisco, and Seattle, or other port of arrival designated in the permit, and at such designated port of arrival shall become subject to the regulations governing the handling of cotton imported from foreign countries (7 CFR 321.101 et seq. or amendments thereof).

(2) Fumigation may be waived and certificates issued for lint, linters, and waste which have been determined by an inspector of the Bureau of Entomology and Plant Quarantine to have been so manufactured or processed by bleaching, dying, or other means, as to have removed all seeds, or to have destroyed all insect life therein.

(c) *Cottonseed cake and meal.* (1) Cottonseed cake and meal which have been inspected in the Territory, District, or Insular Possession of origin and certified by an inspector of the Bureau of Entomology and Plant Quarantine as being free from contamination with whole, uncrushed cottonseed, will be allowed unrestricted movement to any port.

(2) Hawaiian, Puerto Rican, and Virgin Islands of the United States cottonseed cake and meal, when neither fumigated nor inspected in accordance with the provisions of this section, will be allowed entry under permit through any port at which the services of an inspector are available, subject to examination by an inspector for freedom from contamination with uncrushed cottonseed. If found to be free from such contamination, the cottonseed cake or meal may be released from further entry restrictions. Cottonseed cake or meal found to be contaminated shall be refused entry or subjected as a condition of entry and release to such safeguards as may be prescribed by the inspector from such administratively approved methods as will, in his judgment, be necessary to eliminate infestations of the pink bollworm or cotton blister mite.

2. A new § 301.47–4 is added reading as follows:

§ 301.47–4 *Shipments by the Department of Agriculture.* Cotton may be moved by the Department of Agriculture for experimental or scientific purposes under such conditions as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, which conditions may include clearance through the Division of Plant Exploration and Introduction of the Bureau of Plant Industry, Soils, and Agricultural Engineering.

The purposes of these amendments and new section are to restrict or prohibit the movement of cotton and cotton products to the United States mainland from the Virgin Islands of the United States in order to prevent spread to the mainland of the pink bollworm of cotton and the cotton blister mite; to add second-hand burlap and other fabric used or of the kinds ordinarily used for wrapping or containing cotton to the list of quarantined articles and regulate the movement thereof; to add a section authorizing the movement of cotton by the Department of Agriculture for experimental or scientific purposes; and to clarify the language of several of the regulations.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

This amendment shall be effective June 13, 1952.

Done at Washington, D. C., this 9th day of May 1952.

[SEAL] CHARLES F. BRANNAN,
*Secretary of Agriculture.*

[F. R. Doc. 52-5324; Filed, May 13, 1952; 8:48 a. m.]

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## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 1]

### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

#### REGULATION BY GRADES AND SIZES

§ 936.422 *Plum Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 15, 1952. A

reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until April 21, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on April 21, 1952; after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about May 20, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 15, 1952, and ending at 12:01 a. m., P. s. t., September 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Beauty plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 5×5 standard pack in a standard basket. The aforesaid 5×5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5×5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1⅞ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1⅞ inches in diameter; and (iii) no plums contained in such pack measure less than 1⅝ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of May 1952.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 52-5373; Filed, May 13, 1952; 8:53 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 116—CIVIL AIR NAVIGATION

PART 155—ALIENS ARRIVING BY VESSEL: SAFEKEEPING; DETENTION; EXPENSES

ARRIVING ALIENS: SAFEKEEPING; DETENTION; EXPENSES; DEPORTATION

APRIL 22, 1952.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of December 13, 1951 (16 F. R. 12572) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were set out in full the terms of proposed revisions to § 116.55 and Part 155, Chapter I, Title 8 of the Code of Federal Regulations, relating to the safekeeping, detention, expenses, and deportation of arriving aliens. Representations which were received concerning the proposed amendments have been considered. The amendatory regulations, as set out below, are hereby adopted. The adopted regulations are the same as those set out in the notice except that in § 155.10 (a) the incorrect citation," * * * section 823 of Title 5 of the United States Code * * *", as it appeared in the notice has been corrected to appear as "* * * section 836 of Title 5 of the United States Code * * *", and the words "or national" which were omitted from the fourth sentence through oversight have now been included in that sentence.

1. Section 116.55, Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

§ 116.55 *Aliens arriving by aircraft; safekeeping; detention; expenses; deportation.* In the case of aliens brought by aircraft to the United States or to the mainland from another area of the United States, the owner, agent, lessee, or operator of the aircraft shall be responsible for the safekeeping of such aliens and liable for the expenses of detention and other expenses referred to in sections 15 and 18 of the Immigration Act of 1917, as amended (39 Stat. 885, 887, 45 Stat. 1551, 58 Stat. 816; 8 U. S. C. 151, 154), and in Part 155 of this chapter, to the same extent as if the aircraft were a vessel operating on water. Any alien brought to the United States as a passenger on aircraft on a trip originating in foreign contiguous territory as defined in § 116.52 may, with the consent of the immigration officer in charge, be returned by the owner, agent, lessee, or operator of the aircraft from the port of detention to such territory pending final decision as to admissibility: *Provided*, That the passenger is returned without charge to such territory and brought back without charge to such port promptly for further hearing when required by the immigration authorities or for admission to the United States. Any alien who is finally excluded from admission to the United States shall be returned to the country or area of the United States (except the mainland) whence he came, at the expense of the owner, agent, lessee, or operator of the aircraft by which the alien came.

(R. S. 161, 251, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166; 5 U. S. C. 22, 19 U. S. C. 66, 8 U. S. C 102, 222)

2. The following amendments to Part 155, Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

a. The title of Part 155 is changed to read as set forth above.

b. Section 155.1 *Liability of transportation companies for removal and care of alien*, is amended by adding thereto the following sentence: "For the purpose of this part the term 'transportation company', 'transportation line', or 'steamship company' means vessel, transportation line, master, agent, owner, or consignee of the vessel, and the term 'alien' means any alien as defined by the immigration laws and any person applying for admission to the United States on the ground that he is a citizen or national of the United States."

c. Section 155.3 *Expense bills; presentation to steamship companies*, is revoked.

d. Sections 155.7, 155.8, 155.9, and 155.10 are added as follows:

§ 155.7 *Responsibility for the safe keeping of arriving aliens pending final decision as to their admissibility.* From the time an alien arrives as a passenger in the United States by vessel until such alien is either admitted to the United States or deported under an excluding order, the responsibility for keeping the alien safely in custody shall, in accordance with the provisions of section 15 of the Immigration Act of 1917, as amended (39 Stat. 885, 58 Stat. 816; 8 U. S. C. 151), rest upon the vessel, trans-

portation company, master, agent, owner, or consignee, except that they shall be relieved of such responsibility during such time as the alien is detained on premises owned or controlled by the United States.

§ 155.8 *Place of detention.* Any alien who arrives as a passenger in the United States by vessel and who is ordered removed temporarily from the vessel pending final decision as to his admissibility shall, unless treatment in a hospital is necessary, be kept in custody in a facility operated by the Immigration and Naturalization Service if such a facility exists at the port of arrival or if at a nearby port there is such a facility which can be utilized. If no such facility is available, he may be ordered removed temporarily from the vessel for the purpose of being detained at a place to be arranged for by the transportation company with the approval of the immigration officer in charge at the port, but any temporary removal to such an arranged place shall not relieve the transportation company of the responsibility for his safekeeping.

§ 155.9 *Payment of detention expenses.* Every transportation company bringing aliens to the United States shall be responsible initially for the payment of the detention expenses of applicants for admission to the United States, referred to in this part. If the alien is detained in a facility operated by the Immigration and Naturalization Service, bills pertaining to detention expenses shall be presented to the responsible transportation companies monthly or oftener at the option of the officer in charge, and if not promptly paid, action shall be taken immediately as prescribed by Part 160 of this chapter. If the alien is detained at a hotel or other place of lodging not operated by the Immigration and Naturalization Service, the transportation company shall be responsible initially for the payment of detention expenses. This section is subject to the understanding that reimbursement may be made, upon presentation of itemized bills, under the conditions specified in § 155.10.

§ 155.10 *Reimbursement to transportation companies for detention expenses in certain cases.* (a) A transportation company which has paid the detention expenses referred to in § 155.9 shall upon presentation of itemized receipts be reimbursed from the appropriation of the Immigration and Naturalization Service if the alien arrived in the United States in possession of an unexpired visa (either an immigration visa or a nonimmigrant visa) issued to him by a United States consul within 60 days of his foreign embarkation, and if it is finally decided that the sole cause for exclusion is one arising under section 13 (a) (1) or (3) of the Immigration Act of 1924, as amended. Reimbursable detention expenses shall include outlays for maintenance (i. e. meals and lodging); medical treatment in hospitals or elsewhere; burial in the event of death; transportation of the alien from the vessel to the place of lodging and to the vessel in the event of deportation, but shall not include any expenses for guard services. The reimbursement for the aforementioned items shall cover only reasonable amounts actually expended for such expenses, but the reimbursement for the cost of maintenance shall not, except in unusual circumstances and unless the expense was incurred with the prior approval of the immigration officer in charge, exceed the maximum per-diem allowance prescribed in section 836 of Title 5 of the United States Code in lieu of subsistence. No reimbursement shall be made in any case in which the final decision is to admit the person to the United States either as a citizen or national of the United States or as an alien or in any case in which the final decision is that the alien shall be excluded on grounds other than, or in addition to, those stated in section 13 (a) (1) or (3) of the Immigration Act of 1924, as amended; nor shall any reimbursement be made for detention expenses incurred after (1) the transportation company has been notified that the alien is ready to be returned foreign and (2) the vessel by which the alien came or another vessel of the same owner or operator has thereafter departed for the country whence the alien came, or after five days after such notice if the alien's return cannot be effected on a vessel of such owner or operator.

(b) Reimbursement to transportation companies shall also be made in other cases in which it is necessary to adjust payment for detention expenses so that they will be borne as provided by law and regulations, such as the cases of aliens who are witnesses, are insane, or are dependents, whose detention expenses are to be paid by the Government or by relatives, in accordance with section 18 or section 22 of the Immigration Act of 1917, as amended, and in accordance with § 155.5.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

The regulations stated above shall become effective on the thirty-first day following the date of their publication with this order in the FEDERAL REGISTER.

The general basis for these regulations is a determination that it will be advantageous to the Government and to persons concerned to define fully the responsibilities which exist and procedures to be followed in connection with the safekeeping, detention, expenses, and deportation of aliens arriving in the United States. The purpose of these regulations is to make available to interested persons a comprehensive statement of such responsibilities and procedures.

BENJAMIN G. HABBERTON,
*Acting Commissioner,*
*Immigration and Naturalization.*

Approved: May 7, 1952.

PHILIP B. PERLMAN,
*Acting Attorney General.*

[F. R. Doc. 52-5336; Filed, May 13, 1952; 8:51 a. m.]

## Subchapter D—Nationality Regulations

PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: FORMER UNITED STATES CITIZENS

PART 352—ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION AND FAVORABLE DISPOSITION TOWARD THE GOOD ORDER AND HAPPINESS OF THE UNITED STATES; SUBVERSIVE ORGANIZATIONS, ACTIVITIES, AND BELIEFS

PART 375—OATH OF RENUNCIATION AND ALLEGIANCE

### MISCELLANEOUS AMENDMENTS

APRIL 21, 1952.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of February 28, 1952 (17 F. R. 1772), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were stated in full the terms of proposed amendments to the rules relating to the requirements of attachment to the Constitution, disposition toward the United States, and the oath of allegiance in the cases of petitioners and applicants for naturalization. No representations have been received concerning the proposed amendments. The rules, as stated below, are hereby adopted. The provisions of the adopted rules are the same as those stated in the notice of proposed rule making.

1. Sections 330.3 and 330.6 of Chapter I, Title 8 of the Code of Federal Regulations, are amended to read as follows:

§ 330.3 *A woman, citizen of the United States at birth, who lost or is believed to have lost her United States citizenship solely by marriage prior to September 22, 1922, to an alien, and whose marriage to such alien terminates on or after January 13, 1941.* A woman of the class described in section 317 (b) of the Nationality Act of 1940, if she has acquired no other nationality by affirmative act, may be naturalized by taking the oath of allegiance prescribed by section 335 of the Nationality Act of 1940. Preliminary application to take the oath shall be made on Form N-401 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. Such oath may be taken before the judge or clerk of any naturalization court, regardless of the applicant's place of residence. The applicant shall, before being naturalized, establish that it is her intention, in good faith, to assume and discharge the obligations of the oath of allegiance, and that her attitude toward the Constitution and laws of the United States renders her capable of fulfilling the obligations of such oath. The eligibility of an applicant to take the oath shall be investigated by a member of the Service and appropriate recommendation made to the naturalization court. The application to the court shall be made on Form N-408, in triplicate. The original of Form N-408 shall be retained as a part of the court record and the duplicate forwarded to the appropriate district director with duplicates of other naturalization papers

filed and issued. The clerk of court shall furnish to the applicant, upon her demand, the triplicate Form N-408, properly certified, for which a fee not to exceed $1 may be charged. No charge shall be made by the clerk of court for the filing of Form N-408. In case the applicant does not demand the triplicate Form N-408, it shall be transmitted to the appropriate district director with the duplicate of said form. The applicant described in this section may also take the oath before any diplomatic or consular officer of the United States abroad. The taking of such oath before a diplomatic or consular officer shall be in accordance with such regulations as may be prescribed by the Department of State.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interprets or applies sec. 317, 54 Stat. 1146; 8 U. S. C. 717)

§ 330.6 *Person who lost citizenship of the United States through service in one of the Allied Armies during the First or Second World War.* A person who, while a citizen of the United States and during the First or Second World War, entered the military or naval service of any country at war with a country with which the United States was or is at war, who lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, or by reason of entering or serving in such armed forces, and who intends to reside permanently in the United States, may be naturalized by taking the oath of renunciation and allegiance specified in section 335 of the Nationality Act of 1940. Such person shall, before being naturalized, establish that it is his intention, in good faith, to assume and discharge the obligations of the oath of allegiance, and that his attitude toward the Constitution and laws of the United States renders him capable of fulfilling the obligations of such oath. For the purposes of this section, the Second World War shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war. Such oath may be taken before any naturalization court. Preliminary application to take the oath shall be made on Form N-428 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The eligibility of an applicant to take the oath shall be investigated by a member of the Service and appropriate recommendation made to the naturalization court. The application to the court shall be made on Form N-409, in triplicate. No charge shall be made for the filing of Form N-409. The original of Form N-409 shall be retained as a part of the court record and the duplicate and triplicate forwarded to the district director or officer in charge with duplicates of other naturalization papers filed and issued. The district director or officer in charge shall retain the duplicate and forward the triplicate to the Department of State. Any person described in this section who has lost United States citizenship during the Second World War may also take the oath before any diplomatic or consular officer of the United States abroad. The taking of such oath before a diplomatic or consular officer abroad shall be in accordance with such regulations as may be prescribed by the Department of State. Any person who has been naturalized a citizen of the United States under this section may make application for a certificate of naturalization in the manner provided in Part 378 of this chapter.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

2. Section 352.1 is amended to read as follows:

§ 352.1 *Attachment to Constitution and disposition toward United States.* No person shall be naturalized as a citizen of the United States under the provisions of Chapter III of the Nationality Act of 1940, upon his own petition, or, in the case of a child, upon the petition of his citizen parent or adoptive parent or parents, unless he shall have proved his attachment to the principles of the Constitution of the United States and his favorable disposition toward the good order and happiness of the United States for such period or periods as may be required in his particular case, and in the manner provided by Part 373 of this chapter.

3. Section 352.3 is amended to read as follows:

§ 352.3 *Subversive organizations, activities, and beliefs.* No person shall be naturalized as a citizen of the United States upon his own petition or application, or upon a petition filed in his behalf by a citizen parent or adoptive parent or parents, who at any time within the period of ten years immediately preceding the filing of the petition or application is or has been found to be within any of the classes of persons described in section 305 (a) of the Nationality Act of 1940, as amended (54 Stat. 1141, Public Law 831, 81st Cong.; 8 U. S. C. 705). Any alien who has been at any time within ten years next preceding the filing of his petition or application for naturalization, or is at the time of filing such petition or application, or has been at any time between such filing and the time of taking of the final oath of citizenship, a member of or affiliated with any organization described in section 305 (e) of the Nationality Act of 1940, as amended, is presumed to be a person not attached to the principles of the Constitution of the United States and not well disposed to the good order and happiness of the United States, and shall not be naturalized unless he shall rebut such presumption. This presumption shall not apply to any such person who within three months from the date upon which such organization was registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950 (Pub. Law 831, 81st Cong.), renounces, withdraws from and utterly abandons such membership or affiliation and who thereafter ceases entirely to be affiliated with such organization. The burden of proof shall be upon the petitioner or applicant to establish that he is not precluded from naturalization under subsections (a) and (e) of section 305 of the Nationality Act of 1940, as amended.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interpret or apply secs. 305, 306, 307, 309, 54 Stat. 1141, 1142, 1143; 8 U. S. C. 705–707, 709)

4. Section 375.5 is amended to read as follows:

§ 375.5 *Oath of allegiance; willingness to bear arms; good faith and attitude in taking.* (a) Before being admitted to citizenship, a petitioner or applicant for naturalization shall be required to take in open court the oath prescribed in section 335 (b) (1) of the Nationality Act of 1940, as amended (54 Stat. 1157, Pub. Law 831, 81st Cong., 8 U. S. C. 735), unless by clear and convincing evidence he establishes that he is opposed to the bearing of arms or the performance of noncombatant service in the armed forces of the United States by reason of religious training and belief. If the petitioner or applicant establishes such opposition he may take the oath of allegiance prescribed in section 335 (b) (2).

(b) A petitioner or applicant for naturalization shall, before being naturalized, establish that it is his intention, in good faith, to assume and discharge the obligations of the oath of allegiance, and that his attitude toward the Constitution and laws of the United States renders him capable of fulfilling the obligations of such oath.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

The rules stated above shall become effective on the thirty-first day following their publication with this order in the FEDERAL REGISTER.

The basis and purpose of the rules prescribed above is to make known to petitioners and applicants for naturalization that implicit in taking the oath of allegiance prescribed by section 335 of the Nationality Act of 1940, as amended (54 Stat. 1157, Pub. Law 831, 81st Cong.; 8 U. S. C. 735), is the requirement that such a petitioner or applicant shall, before being naturalized, establish that it is his intention, in good faith, to assume and discharge the obligations of the oath of allegiance, and that his attitude toward the Constitution and laws of the United States renders him capable of fulfilling the obligations of such oath.

BENJAMIN G. HABBERTON,
*Acting Commissioner,*
*Immigration and Naturalization.*

Approved: May 7, 1952.

PHILIP B. PERLMAN,
*Acting Attorney General.*

[F. R. Doc. 52-5337; Filed, May 13, 1952; 8:51 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 5673]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

QUAKER DISTRIBUTORS, INC., ET AL.

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1395 *Connections and arrangements with others;* § 3.1513 *Operations generally: Goods:* § 3.1740 *Scientific or other relevant facts:—Prices:* § 3.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2070 *Special offers, savings and discounts;* § 3.2080 *Terms and conditions.* In connection with the offering for sale, sale and distribution of aluminum ware or other merchandise in commerce, and on the part of respondent Quaker Distributors, Inc., and its officers, etc., and on the part of the five individual respondents named, and their respective representatives, etc., representing, directly or by implication, (1) that they are conducting a poll or survey, unless they are in fact conducting a bona fide poll or survey; (2) that they are conducting a poll or survey, where the representation is made in such a manner as to initially conceal from prospective purchasers that they are engaged in the sale of merchandise; (3) that the purchasers of the said merchandise are being given a reduced price for such merchandise or any other valuable consideration as a premium or reward for their collection of box tops, clipping of advertisements, cooperation in furnishing information, or participation in any other similar project or activity; (4) that the said merchandise is being sold at a substantial discount or reduction in price when the price so charged is the usual and customary price at which they sell the said merchandise in the ordinary course of business; or, (5) that respondents' aluminum ware can be used for cooking foods in general without the use of water; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified cease and desist order, Quaker Distributors, Inc., et al., Docket 5673, February 29, 1952]

*In the Matter of Quaker Distributors, Inc., a Corporation, and Jack Weinstock, Nathan Loesberg, Robert Bertin, Jack Gerstel and Louis Tafler, Individually and as Officers of Quaker Distributors, Inc.*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before a hearing examiner of the Commission theretofore duly designated by it, the hearing examiner's recommended decision and exceptions thereto of counsel for respondents, briefs and oral argument of counsel, the Commission, having ruled on the exceptions to the hearing examiner's recommended decision and having made its findings as to the facts and its conclusion that the respondents had violated the provisions of the Federal Trade Commission Act, on August 6, 1951, issued and subsequently served upon the respondents said findings as to the facts, conclusion, and its order to cease and desist.

Thereafter, pursuant to a motion filed by respondents, the Commission reconsidered the matter, and being of the opinion, that its order should be modified in certain respects:

*It is ordered,* That the respondent Quaker Distributors, Inc., a corporation, and its officers, representatives, agents and employees, and the individual respondents Jack Weinstock, Nathan Loesberg, Robert Bertin, Jack Gerstel, and Louis Tafler, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of aluminum ware or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That they are conducting a poll or survey, unless they are in fact conducting a bona fide poll or survey;

2. That they are conducting a poll or survey, where the representation is made in such a manner as to initially conceal from prospective purchasers that they are engaged in the sale of merchandise;

3. That the purchasers of the said merchandise are being given a reduced price for such merchandise or any other valuable consideration as a premium or reward for their collection of box tops, clipping of advertisements, cooperation in furnishing information, or participation in any other similar project or activity;

4. That the said merchandise is being sold at a substantial discount or reduction in price when the price so charged is the usual and customary price at which they sell the said merchandise in the ordinary course of business;

5. That respondents' aluminum ware can be used for cooking foods in general without the use of water.

*It is further ordered,* That the respondents shall within sixty (60) days after service upon them of this modified order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 29, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-5335; Filed, May 13, 1952; 8:51 a. m.]

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[Docket 5852]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DAVID'S SPECIALTY SHOPS, INC., ET AL.

Subpart—*Concealing or obliterating law required and informative marking:* § 3.525 *Wool products tags or identification.* Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* I. In connection with the introduction into commerce or the offering for sale, sale, or distribution in commerce, of ladies' skirts and coats, or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, and on the part of respondent corporation, and its officers, and on the part of the three individual respondents named, individually and as officers of said corporation, and their respective agents, etc., misbranding such products, (1) by misrepresenting on any stamp, tag, label or other means of identification the character or amount of the constituent fibers of any of said products; (2) by failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; (d) the constituent fibers of interlinings of such wool products, separately set forth on said identifying marks or labels attached thereto; and, (3) by failing to label separately each garment or separate piece of merchandise subject to said act whether two or more such garments or pieces be marketed together or in combination with each other; and, II. in connection with the purchase, offering for sale, sale, or distribution of "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, and on the part of the aforesaid respondents, etc., causing or participating in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to the Wool Products Labeling Act of 1939, with intent to violate the provisions of said act, and which stamp, tag, label, or other means of identification purports to contain all or any part of the information required by said act; prohibited, subject

to the provision, however, as respects the prohibitions of part I of the order, that the provisions therein concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, David's Specialty Shops, Inc., et al., Docket 5852, February 27, 1952]

*In the Matter of David's Specialty Shops, Inc., a Corporation, and David Israel, Harry Israel, and Oscar Israel, Individually and as Officers of Said Corporation*

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in the Commission by said acts, the Federal Trade Commission on February 21, 1951, issued and subsequently served upon the respondents named in the caption hereof its complaint in this proceeding, charging said respondents with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said acts. On March 23, 1951, respondents filed their answer to said complaint. On April 17, 1951, upon motion granted by a hearing examiner of the Commission, theretofore duly designated by it, respondents withdrew said original answer and filed in lieu thereof a substitute answer admitting all of the material allegations of fact set forth in said complaint, and waiving all intervening procedure and further hearing as to said facts. Thereafter, on May 8, 1951, said hearing examiner filed his initial decision.

Within the time permitted by the Commission's rules of practice, counsel supporting the complaint filed with the Commission an appeal from said initial decision. Thereafter, this proceeding regularly came on for final hearing by the Commission upon this appeal and the brief in support thereof, and the Commission issued its order granting said appeal.

The Commission is of the opinion that the order to cease and desist contained in the initial decision is deficient in certain respects, including (1) the order does not prohibit respondents from removing or mutilating labels or other means of identification with intent to violate the provisions of the Wool Products Labeling Act of 1939, and (2) the order does not prohibit respondents from misrepresenting on such labels the character or amount of the constituent fibers contained in the wool products. The complaint alleges and respondents' answer admits that respondents have engaged in both of these illegal practices. Therefore, the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

*It is ordered*, That the respondent, David's Specialty Shops, Inc., a corporation, and its officers, and respondents, David Israel, Harry Israel and Oscar Israel, individually and as officers of said corporation, and their respective agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of ladies' skirts and coats, or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such products:

1. By misrepresenting on any stamp, tag, label or other means of identification the character or amount of the constituent fibers of any of said products.

2. By failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

(d) The constituent fibers of interlinings of such wool products, separately set forth on said identifying marks or labels attached thereto.

3. By failing to label separately each garment or separate piece of merchandise subject to said act whether two or more such garments or pieces be marketed together or in combination with each other.

*Provided*, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

*It is further ordered*, That said respondents and their officers, representatives, agents and employees, as aforesaid, directly or through any corporate or other device, in connection with the purchase, offering for sale, sale, or distribution of "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from causing or participating in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to the Wool Products Labeling Act of 1939, with intent to violate the provisions of said act, and which stamp, tag, label, or other means of identification purports to contain all or any part of the information required by said act.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 27, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary*.

[F. R. Doc. 52-5334; Filed, May 13, 1952; 8:50 a. m.]

[1] Filed as part of the original document.

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[Docket 5904]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

### COMMERCIAL EXTENSION SCHOOL OF COMMERCE

Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly*; § 3.330 *Claiming or using indorsements or testimonials falsely or misleadingly*. Subpart—*Disparaging competitors and their products—Competitors:* § 3.895 *Business facilities, service, size or scope;* §3.905 *Discontinuance of operations;* § 3.930 *Methods; in general;* § 3.940 *Personnel;* § 3.950 *Reliability, history and financial condition;* §3.953 *Reputation or standing: Competitors' products:* § 3.1015 *Quality;* § 3.1033 *Standing;* § 3.1040 *Value*. Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1665 *Indorsements;* § 3.1740 *Scientific or other relevant facts*. In connection with the offering for sale, sale, and distribution in commerce, of respondent's courses of study and instruction, (1) disparaging competitive schools by representing that such temporary or qualified approval as may be accorded to particular schools by any commercial school directory for reasons having no relation to the reputation or financial standing of such schools or their officers, or to the quality of their courses or to their accreditation, connotes that such schools or the courses offered by them do not conform to standards of approved schools or are inferior thereto; or by representing that employers refuse to employ graduates of such schools or that chances for employment of students attending competitive schools are otherwise impaired, or

that competitive schools or their officers are of bad repute or engage in dishonorable financial conduct, unless such is the fact; (2) making any disparaging representations concerning the courses offered by competitors or with respect to the ethical, financial and educational reputation or standing of competitive schools or their officers, unless such representations are in fact true and correct; (3) representing that the publication known as the Directory of Private Business Schools or any other directories published by commercial or trade organizations are official publications of the United States Government or any agency thereof; (4) representing that any principals or officers of public schools or educational institutions recommend respondent's school or courses of study and instruction to their students or graduates, unless such is the fact; (5) adverting in any manner to the character or nature of the student body of any competing school, inconsistent with the facts; or, (6) representing that competing schools may close due to frequent changes in ownership or to financial difficulties, unless such is the fact; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45). [Cease and desist order, Eugene F. Agee t. a. Commercial Extension School of Commerce, Docket 5904, February 19, 1952]

*In the Matter of Eugene P. Agee, an Individual Trading as Commercial Extension School of Commerce*

This proceeding was heard by William L. Pack, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, respondent's answer, and a hearing, at which a stipulation of facts was entered into by counsel supporting the complaint and counsel for respondent, and was incorporated in the record and duly filed in the office of the Commission. A form of order disposing of the proceeding was also agreed upon and recommended by counsel to said examiner.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, answer, stipulation (which had been approved by him), and recommended order (counsel having elected not to submit proposed findings and conclusions for consideration by said examiner or to argue the matter orally), and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made an initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on February 19, 1952.

The said order is as follows:

*It is ordered*, That the respondent, Eugene F. Agee, individually and trading as Commercial Extension School of Commerce or under any other name and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's courses of study and instruction, do forthwith cease and desist from:

1. Disparaging competitive schools by representing that such temporary or qualified approval as may be accorded to particular schools by any commercial school directory for reasons having no relation to the reputation or financial standing of such schools or their officers, or to the quality of their courses or to their accreditation, connotes that such schools or the courses offered by them do not conform to standards of approved schools or are inferior thereto; or by representing that employers refuse to employ graduates of such schools or that chances for employment of students attending competitive schools are otherwise impaired, or that competitive schools or their officers are of bad repute or engaged in dishonorable financial conduct, unless such is the fact.

2. Making any disparaging representations concerning the courses offered by competitors or with respect to the ethical, financial and educational reputation or standing of competitive schools or their officers, unless such representations are in fact true and correct.

3. Representing that the publication known as the Directory of Private Business Schools or any other directories published by commercial or trade organizations are official publications of the United States Government or any agency thereof.

4. Representing that any principals or officers of public schools or educational institutions recommend respondent's school or courses of study and instruction to their students or graduates, unless such is the fact.

5. Adverting in any manner to the character or nature of the student body of any competing school, inconsistent with the facts.

6. Representing that competing schools may close due to frequent changes in ownership or to financial difficulties unless such is the fact.

By "Decision of the Commission and order to file report of compliance", Docket 5904, February 19, 1952, which decreed fruition of said initial decision on February 19, 1952, report of compliance with the said order was required as follows:

*It is ordered*, That the respondent herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 19, 1952.

By the Commission.

[SEAL] WM. P. GLENDENING, JR., *Acting Secretary.*

[F. R. Doc. 52-5333; Filed, May 13, 1952; 8:49 a. m.]

[1] Filed as part of the original document.

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 87, Amdt. 2]

### CPR 87—PROCESSED FEATHERS

### PROCESSED NEW WATERFOWL FEATHERS SOLD FOR CIVILIAN CONSUMPTION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 87 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment revises section 1 of Ceiling Price Regulation 87 (CPR 87) by providing that except for those sales of processed new waterfowl feathers for which dollar-and-cent ceiling prices are established in CPR 87, all sales of processed new waterfowl feathers shall be subject to the provisions of the General Ceiling Price Regulation.

Since April 16, 1951, sales of processed new waterfowl feathers to purchasers other than the General Services Administration (GSA) or prime contractors holding D. O. rated orders have been prohibited by National Production Authority (NPA) Order M-56. Accordingly, CPR 87, effective October 19, 1951, provided dollar-and-cent ceiling prices exclusively for those types of sales permitted under NPA regulations.

The Director of Price Stabilization has recently been advised of NPA's intention to revoke Order M-56 and thereby permit the sale of processed new waterfowl feathers for use in the manufacture of products for civilian consumption.

The only ceiling prices now in effect for processed new waterfowl feathers are those established by CPR 87 for sales to GSA or to prime contractors holding D. O. rated orders. It is assumed that with the revocation of Order M-56, normal supply of these feathers on the civilian market will be resumed. The backlog of civilian demand for these feathers which has accumulated since April 16, 1951, makes it necessary that ceiling prices be established for civilian-purpose sales immediately. Under these circumstances, time does not permit formal consultation with industry prior to the issuance of this amendment. Accordingly, on the basis of all data presently available, the Director has determined to reimpose the type of price control which governed these sales prior to the issuance of Order M-56. Therefore, this amendment provides that all

sales of processed new waterfowl feathers to buyers other than GSA or prime contractors holding D. O. rated orders shall be subject to the provisions of the General Ceiling Price Regulation.

It is the intention of the Director to convene the Industry Advisory Committee as soon as practicable for the purpose of re-evaluating the action taken in this amendment in the light of any additional information arising out of such formal consultation.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the formulation of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

Every effort has been made to conform this amendment to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provision of this amendment may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this amendment.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 87 is amended in the following respects:

Section 1 is amended to read as follows:

SECTION 1. *What this regulation does.* This regulation establishes dollar-and-cent ceiling prices for sales of processed new waterfowl feathers to the General Services Administration or to prime contractors holding D. O. rated orders. All other sales of processed new waterfowl feathers shall remain subject to the provisions of the General Ceiling Price Regulation, as amended, and regulations supplementary thereto. This regulation also establishes dollar-and-cent ceiling prices for all sales of used waterfowl feathers and down and processed chicken and turkey feathers. As to all sales of the foregoing commodities for which this regulation establishes dollar-and-cent ceiling prices, the provisions of this regulation supersede those of the General Ceiling Price Regulation, regulations supplementary thereto, and any other ceiling price regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

*Effective date.* This amendment is effective May 12, 1952.

JOSEPH H. FREEHILL,
*Acting Director of Price Stabilization.*

MAY 12, 1952.

[F. R. Doc. 52-5391; Filed, May 12, 1952; 4:32 p. m.]

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[Ceiling Price Regulation 135, Amdt. 1]

## CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

EXTENSION OF MANDATORY EFFECTIVE DATE, ETC.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 135 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment extends the mandatory effective date of CPR 135 to June 2, 1952. This action is taken in response to representations by one of the major retail grocery chains operating multiple unit plants that the organization will be unable to complete the calculation of ceiling prices for its extensive lines of items in time to meet the original effective date of May 10, 1952. Representatives of the industry have stated that other bakers with lines consisting of a large number of items will similarly be unable to compute ceiling prices for all items by May 10, 1952. The new mandatory effective date of June 2, 1952, should provide ample time for sellers to complete whatever calculations they are required to make under the regulation.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 135 is amended by changing the effective date as follows:

*Effective date.* This regulation is effective for all your items on June 2, 1952. You may, however, select an earlier effective date between April 10, 1952 and June 2, 1952. If you select an earlier date with respect to any item, this regulation becomes effective as to you on that date for all your items.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

*Effective date.* This amendment is effective May 12, 1952.

ELLIS ARNALL,
*Director of Price Stabilization.*

MAY 12, 1952.

[F. R. Doc. 52-5392; Filed, May 12, 1952; 4:32 p. m.]

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[General Overriding Regulation 9, Amdt. 18]

## GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

CONTINUATION OF SUSPENSION OF APPLICATION OF CEILING PRICE REGULATIONS TO SALES OF CERTAIN NEW SHIPS BY SHIPBUILDERS AND TO REPAIR AND CONVERSION OF SHIPS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 18 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment continues indefinitely the existing suspension of the application of ceiling price regulations to sales and deliveries by the builder of certain new ships and the repair and conversion of certain ships. Certain issues with respect to the many complex problems in the regulation of prices in the shipbuilding industry are still under study. To provide the time needed to give further consideration to these issues, and to avoid the necessity for a series of amendments continuing the suspension for short periods, this amendment provides for an indefinite suspension until further action by the Director.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

1. Section 2 (b) (4) is amended by deleting all the words after the word "craft."

2. Section 2 (b) (5) is amended by deleting all the words after the word "craft."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

*Effective date.* This amendment 18 to General Overriding Regulation 9 is effective May 13, 1952.

ELLIS ARNALL,
*Director of Price Stabilization.*

MAY 12, 1952.

[F. R. Doc. 52-5393; Filed, May 12, 1952; 4:33 p. m.]

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[Ceiling Price Regulation 144]

## CPR 144—CEILING PRICES FOR SALE OF CONCRETE BLOCKS IN THE VIRGIN ISLANDS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 144 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollar and cent ceiling prices for sales in the Virgin Islands of the United States of concrete blocks which have been manufactured in that territory. Concrete blocks are an important building material in the Virgin Islands. The construction industry has rapidly replaced mass masonry with concrete blocks because of their appreciably lower cost and the time-saving factor involved in their use.

Prior to 1946, most of the concrete blocks used in the Virgin Islands were imported from Puerto Rico and only small quantities were produced locally

by means of small hand-operated equipment. After the end of World War II, however, a construction boom ensued in the Virgin Islands, and manufacturers of concrete blocks were compelled to shift to electrically-operated equipment in order to meet greatly increased demands for the commodity. During the past four years, local manufacturers of concrete blocks were engaged in continuous operation in order to supply blocks for the construction of resort hotels and other large projects. Production capacity of the industry as a whole remained relatively stable during this period. There has been no recent expansion of industrial facilities, inasmuch as present capacity is ample to meet prospective demands. At present, concrete blocks are manufactured intermittently during the year due to the fact that the construction of residential dwellings does not require continuous operation of the plants. Local manufacturers, therefore, are not engaged solely in this venture, but derive additional income from other business pursuits. With one exception, all concrete block manufacturers are sole proprietorships.

Concrete blocks are sold directly from the manufacturer to the contractor, F. O. B. plant. Prices of the various sizes have been stable for the past four years. Since the first quarter of 1951, however, the industry has been faced with increased labor and raw material costs. The GCPR freeze, therefore, caught the marginal concrete block producers in the industry at a time when their profit margin was low. Since the issuance of the GCPR, costs have continued to rise while selling prices have remained the same.

During December 1951, marginal producers on the island of St. Croix petitioned for relief and an independent cost study of the entire industry was conducted. It has been determined that the unit cost of production has risen substantially for marginal producers and threatens to jeopardize the continued supply of the commodity. Marginal producers are obliged to purchase raw materials in small quantities at relatively high prices, thereby increasing the unit cost of production. Although production costs also have risen for the principal producer located on the island of St. Thomas, the increase in the unit cost has been inconsequential, due to the fact that this plant employs mass production methods. Moreover, the base-period profit margin enjoyed by the larger manufacturer is appreciably greater than that of marginal concerns. This is explained by the fact that base-period prices of marginal producers are highly competitive.

The ceiling prices established by this regulation are in line with the highest prices charged by the largest manufacturer during and since the base period of the GCPR. The establishment of specific dollar-and-cent ceilings will serve to eliminate variations in prices and will result in an increase over the GCPR level of prices prevailing, for marginal producers only.

Although marginal producers and the largest manufacturer experience different unit costs of production, the established ceilings preserve the customary percentage margin of marginal producers. This is explained by the fact that the depressed prices of the latter have been adjusted upward to the level of prices enjoyed by the largest manufacturer.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability.
3. Ceiling prices.
4. Petitions for amendment.
5. Adjustable pricing.
6. Records.
7. Posting.
8. Interpretations.
9. Prohibitions.
10. Evasions.
11. Supplementary regulations.
12. Definitions.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes dollar-and-cent ceiling prices for sales in the Virgin Islands of the United States of concrete blocks which have been manufactured in the Virgin Islands. The ceiling prices established by this regulation supersede ceiling prices established under any other price regulation or orders previously issued by the Office of Price Stabilization.

SEC. 2. *Applicability.* This regulation is applicable only in the Virgin Islands of the United States.

SEC. 3. *Ceiling prices.* The ceiling prices for the sale of concrete blocks which have been manufactured in the Virgin Islands of the United States are the applicable ceiling prices set forth in the table below:

| Size (inches) | Quantity | Sales in the— | |
|---|---|---|---|
| | | Municipality of St. Croix | Municipality of St. Thomas and St. John |
| | | *Each* | *Each* |
| 4 x 8 x 16, regular | 1–1,000 | $0.17 | $0.17 |
| | 1,001–2,000 | .16 | .16 |
| | Over 2,000 | .15 | .15 |
| 6 x 8 x 16, regular | 1–1,000 | .18 | .18 |
| | 1,001–2,000 | .17 | .17 |
| | Over 2,000 | .16 | .16 |
| 8 x 8 x 16, regular | 1–1,000 | .24 | .24 |
| | 1,001–2,000 | .23 | .23 |
| | Over 2,000 | .22 | .22 |
| 8 x 8 x 16, corner | 1–1,000 | .25 | .25 |
| | 1,001–2,000 | .24 | .24 |
| | Over 2,000 | .23 | .23 |

SEC. 4. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revision 2 (17 F. R. 3787).

SEC. 5. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell concrete blocks covered by this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver such concrete blocks at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 6. *Records.* You shall make and keep for inspection by the Director of Price Stabilization for two years, accurate records of each sale of concrete blocks covered by this regulation, made after the effective date of this regulation, showing (a) the date of the sale, (b) the name and address of the purchaser, (c) the price charged, (d) the size of the concrete blocks sold, and (e) the quantity.

SEC. 7. *Posting.* On and after the effective date of the regulation, you shall display the ceiling prices in a conspicuous place of the establishment where concrete blocks are sold or offered for sale, in a manner plainly visible to, and understandable by, the purchasing public.

SEC. 8. *Interpretations.* If you want an official interpretation of this regulation, you should write to the Territorial Counsel of the Virgin Islands OPS Territorial Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 9. *Prohibitions.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you shall keep, make, and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may be charged, paid or offered.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is

required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 10. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreement and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 11. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or supplementing this regulation as he deems appropriate.

SEC. 12. *Definitions.* (a) "Concrete blocks" means any pre-cast concrete building unit (usually constructed of crushed rock, gravel and cement or other masonry products) used for construction purposes.

(b) "You" means any person covered by this regulation, and includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, the Government of the Virgin Islands or any of its political subdivisions, or any agency of the foregoing.

*Effective date.* This Ceiling Price Regulation 144 shall become effective May 19, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
*Director of Price Stabilization.*

MAY 13, 1952.

[F. R. Doc. 52-5419; Filed, May 13, 1952; 11:22 a. m.]

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[General Overriding Regulation 23, Amdt. 2]

## GOR 23—TERRITORIAL EXEMPTIONS

### EXEMPTION OF TERRITORIAL SALES OF MEALS, FOOD ITEMS, AND BEVERAGES BY CERTAIN INSTITUTIONS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 2 to General Overriding Regulation 23 is hereby issued.

### STATEMENT OF CONSIDERATIONS

General Overriding Regulation 23, Territorial Exemptions, was issued in a form which permits the addition, by amendment, of other exemptions in the territories and possessions. This amendment adds Article II to the regulation and exempts the sale in the territories and possessions of meals, food items, and beverages by certain institutions, from the provisions of any ceiling price regulation which has been or will be issued by the Office of Price Stabilization. Ceiling Price Regulation 11 contained most of these exemptions and when that regulation was superseded in the territories and possessions by Ceiling Price Regulation 120, these exemptions were carried over into the new regulation. The Office of Price Stabilization feels, however, since it is the intention of the OPS to exempt these sales from any regulation and not simply from the provisions of CPR 120, that it is desirable to provide this exemption in a General Overriding Regulation.

Ceiling Price Regulation 120 provided for the exemption of meals served to patients in hospitals. Ceiling Price Regulation 134, the mainland restaurant regulation, exempts all meals, food items, and beverages when sold by hospitals, nursing homes, or convalescent homes. This exemption can have only an insignificant effect on the cost of living, since most hospitals are already exempt under the provisions of section 20 (c) of CPR 120, which provides for the exemption of certain religious, charitable and similar institutions. This General Overriding Regulation therefore extends this same exemption to the territories and possessions.

Because of the fact that this regulation covers all of the territories and possessions, and because of the nature of the action, consultation with members of the industry, including trade associations, has not been practicable.

### AMENDATORY PROVISIONS

1. General Overriding Regulation 23 is amended by adding a new article following Article II, as follows:

### ARTICLE II—MEALS, FOOD ITEMS AND BEVERAGES

SEC. 2.1 *What this article does.* This article exempts the sale, in the territories and possessions of the United States, of meals, food items, and beverages, by specified institutions, from the provisions of any ceiling price regulation of the Office of Price Stabilization issued now or to be issued in the future.

SEC. 2.2 *Exemptions.* No ceiling price regulation now or hereafter issued by the Office of Price Stabilization shall apply to sales of meals, food items, or beverages, in the territories and possessions of the United States, by any of the following:

(a) *Hospitals.* Hospitals, nursing or convalescent homes.

(b) *Educational and fraternal organizations.* Establishments which are operated by a school, college, university, or other educational institution or a student fraternity or other student organization or association primarily for the convenience or accommodation of students and faculty and not for profit as a commercial or business enterprise or undertaking.

(c) *Religious, charitable, and other institutions.* Restaurants owned or operated by corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, recognized as such by the Bureau of Internal Revenue and exempt from the payment of income tax under section 101(6) of the Internal Revenue Code, or in the case of Puerto Rico, is exempt from the payment of income tax under section 29(6) of Act No. 74, approved August 6, 1925 (P. R.) where no part of the net earnings of the restaurants inures to the benefit of any private shareholder or individual, and the net profits of the restaurants, if any, are devoted to such purposes.

(d) *Armed Forces eating cooperatives.* Eating cooperatives formed by personnel in the Armed Forces (as, for example, officers' mess, non-coms' and enlisted men's mess) and operated without profit.

(e) *Non-profit clubs.* Bona fide non-profit membership clubs which under CPR 11 or CPR 120 have filed or under this General Overriding Regulation file an application with their OPS Territorial Office stating that:

(1) The club is a non-profit organization, recognized as such by the Bureau of Internal Revenue, or in the case of Puerto Rico, by the Bureau of Income Tax of the Puerto Rico Department of Finance, and exempt from the payment of income tax by reason thereof, where no part of the net earnings of its restaurant operations inures to the benefit of any private shareholder or individual and the net profits, if any, are devoted to the purposes of the club;

(2) It sells meals, food items, or beverages only to members and bona fide guests of members;

(3) Its members are elected to membership by a governing board, membership committee, or other body; and

(4) It is operated primarily as a non-profit club for one or more of the purposes specified in section 101 of the Bureau of Internal Revenue Code or, in the case of a restaurant situated in Puerto Rico, it is operated primarily as a non-profit club for one or more of the purposes specified in section 29 (8) of Act No. 74, approved August 6, 1925 (P. R.), and in either case not primarily as an eating or drinking establishment.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

*Effective date.* This Amendment 2 to General Overriding Regulation 23 is effective May 17, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
*Director of Price Stabilization.*

MAY 13, 1952.

[F. R. Doc. 52-5420; Filed, May 13, 1952; 11:22 a. m.]

## Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 43 to Schedule A]

[Rent Regulation 2, Amdt. 41 to Schedule A]

### RR 1—Housing

### RR 2—Rooms in Rooming Houses and Other Establishments

### Schedule A—Defense-Rental Areas

### Illinois, Pennsylvania, Texas, and Washington

Effective May 14, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 9th day of May 1952.

Tighe E. Woods,
*Director of Rent Stabilization.*

1. Schedule A, Item 83, is amended to describe the counties in the defense-rental area as follows:

Cook County, except the Cities of Berwyn, Blue Island, Calumet City, Chicago Heights, Des Plaines, Harvey, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Arlington Heights, Bartlett, Bellwood, Brookfield, Burnham, Calumet Park, Crestwood, Dolton, East Hazelcrest, Flossmoor, Franklin Park, Glencoe, Glenview, Hazelcrest, Homewood, Kenilworth, La Grange, La Grange Park, Lansing, Lemont, Lyons, Markham, Matteson, Mt. Prospect, Northfield, Oak Forest, Orland Park, Palatine, Phoenix, Riverdale, River Forest, Riverside, South Holland, Thornton, Tinley Park, Westchester, Western Springs, Wheeling, Wilmette, Winnetka, and those portions of the Villages of Barrington, Hinsdale and Steger located therein; in Du Page County, the Villages of Downers Grove, Lombard and Westmont; Kane County, except that portion of the City of Elgin located therein, the Cities of Batavia, Geneva and St. Charles, and the Villages of East Dundee, Hampshire, South Elgin and West Dundee; and Lake County, except the City of Lake Forest, the Villages of Deerfield and Grayslake, and that portion of the Village of Barrington located therein.

This decontrols: (a) The Village of Lemont in Cook County, Illinois, and all unincorporated localities in Du Page County, Illinois, portions of the Chicago, Illinois, Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; and (b) all incorporated localities (except the Villages of Downers Grove, Lombard and Westmont) in said Du Page County, which were under Federal rent control immediately prior to the effective date of this amendment, on the initiative of the Director of Rent Stabilization under section 204 (c) of said act.

2. Schedule A, Item 267, is amended to describe the counties in the defense-rental area as follows:

Allegheny County, except the Boroughs of Bethel, Churchill, Elizabeth, Rosslyn Farms and Wilkinsburg, and the Townships of Crescent, Mount Lebanon, Ohio, Penn and Shaler; Armstrong County; Beaver County, except the Township of Brighton; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Green County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

That part of Beaver County north and east of the Ohio River, except the Townships of Economy, Harmony and Brighton, and the Boroughs of Ambridge, Baden and Conway, and (effective February 28, 1952) that part of the Borough of Ellwood City which lies in Beaver County.

In Beaver County, the Townships of Potter and Center and the Borough of Monaca.

In Beaver County, Brighton Township.

This decontrols the Township of Shaler in Allegheny County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

3. Schedule A, Item 309, is amended to describe the counties in the defense-rental area as follows:

In Kleberg County, Precincts 1, 2 and 3; Precincts 3, 4, 5, and 8 in Nueces County, except the City of Agua Dulce.

This decontrols the City of Agua Dulce in Nueces County, Texas, a portion of the Kingsville, Texas, Defense-Rental Area.

4. Schedule A, Item 351a, is amended to read as follows:

(351a) [Revoked and decontrolled.]

This decontrols: (a) The City of Pullman in Whitman County, Washington, a portion of the Pullman-Moscow, Washington Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; and (b) the remainder of said defense-rental area on the initiative of the Director of Rent Stabilization under section 204 (c) of said act.

All decontrols effected by these amendments, except those in Items 1 and 4 thereof, are based entirely on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-5355; Filed, May 13, 1952; 8:53 a. m.]

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[Rent Regulation 3, Amdt. 58 to Schedule A]

### RR 3—Hotels

### Schedule A—Defense-Rental Areas

### Colorado and Texas

Effective May 14, 1952, Rent Regulation 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 9th day of May 1952.

Tighe E. Woods,
*Director of Rent Stabilization.*

1. Schedule A, Item 42, is amended to read as follows:

(42) [Revoked and decontrolled.]

This decontrols the Colorado Springs, Colorado, Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 309, is amended to describe the counties in the defense-rental area as follows:

In Kleberg County, Precincts 1, 2, and 3; Precincts 3, 4, 5, and 8 in Nueces County, except the City of Agua Dulce.

This decontrols the City of Agua Dulce in Nueces County, Texas, a portion of the Kingsville, Texas, Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-5354; Filed, May 13, 1952; 8:53 a. m.]

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# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### Part 110—Destruction of Records

### Subpart F—Car Lines and Protective Service

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 2d day of May A. D. 1952.

The matter of records maintained by persons which furnish cars or protective service against heat or cold, and particularly such records as pertain or relate to operations and activities which are subject to provisions of section 20 (6) of the Interstate Commerce Act, as amended, but are exempted from accounting regulations prescribed pursuant to that section, being under consideration (34 Stat. 594, 35 Stat. 648, 54 Stat. 917 and 918, 49 U. S. C. 20); and

It appearing, that a notice dated March 17, 1952, notified all such persons by individual service, by press release, or by publication in the Federal Register (17 F. R. 2630), that regulations to govern the destruction of such records were under consideration and that written views or opinions in that connection could be filed on or before April 30, 1952 as provided in section 4 of the Administrative Procedure Act, and consideration having been given to all representation so filed; it is ordered, that:

(1) *Regulations prescribed.* Effective June 1, 1952, all persons which furnish cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company subject to section 20 (6) of the act and are exempted from accounting regulations prescribed pursuant to that section, shall comply with the regulations set forth below in conformity with provisions of section 20 (7) (b) of the act.

(2) *Notice.* A copy of this order and the regulations set forth below shall be served on all persons of record who are subject to such regulations and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission in Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. Bartel,
*Secretary.*

§ 110.100 *Authority to destroy certain records.* Any persons subject to this part may destroy all records or docu-

ments which pertain or relate to cars or protective service furnished as provided in section 20 (6) of the Interstate Commerce Act, but only after such records or documents have been retained for the following prescribed periods:

| Item No. | Description | Prescribed period of retention |
|---|---|---|
| 1 | Records and documents relating to the ownership or long-term lease of carrier property. | Permanent. |
| 2 | Records and documents relating to the maintenance and operation of property described in item 1. | 3 years. |

§ 110.101 *Preservation by photography.* Any record or document covered by this part may be destroyed after it has been photographed for retention by any process which meets the minimum requirements of § 110.2-2 in the effective "Regulations to Govern the Destruction of Records of Steam Railroads." The photographic copy must be retained until the close of the period prescribed for the original record or document.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

[F. R. Doc. 52-5332; Filed, May 13, 1952; 8:49 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Bureau of Internal Revenue

### [ 26 CFR Part 24 ]

CONSOLIDATED INCOME AND EXCESS PROFITS TAX RETURNS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62, 141, and 3791 of the Internal Revenue Code (53 Stat. 32, 58, 467; 26 U. S. C. 62, 141, 3791).

In order to conform Regulations 129 (26 CFR Part 24) to the Revenue Act of 1951, approved October 20, 1951, the following amendments are made:

PARAGRAPH 1. Section 24.12 (b) is amended by striking the period at the end of subparagraph (4) and inserting in lieu thereof the following: ", except as otherwise provided in section 613 of the Revenue Act of 1951. Section 613 of that act relates to the withdrawal within 90 days after October 20, 1951 (the date of the enactment of the act), of consents for the first taxable year ending after June 30, 1950, with respect to corporations described in section 454 (f)."

PAR. 2. Section 24.30 (a) is amended by inserting immediately after "the consolidated adjusted normal-tax net income and the consolidated adjusted corporation surtax net income" the following: "(or, for taxable years beginning in 1951, the consolidated 1951 adjusted normal-tax net income.)"

PAR. 3. Section 24.30 (b) is amended by adding immediately after subparagraph (4) the following:

(5) *In case of mutual savings bank conducting life insurance business.* If the affiliated group for any taxable year beginning after December 31, 1951, includes a mutual savings bank which, if a separate return were filed, would be subject to the alternative tax of section 110 (a) (relating to a mutual savings bank conducting a life insurance business), the provisions of section 110 (a) shall apply to each member of the group and the alternative tax of each corporation under section 110 (a) shall be computed with reference to the consolidated net income of the group determined without regard to any items of gross income or deductions properly allocable to the business of the life insurance department of the mutual savings bank, and with reference to the net income of such life insurance department determined under the provisions of section 110 (a) (2).

PAR. 4. Section 24.30 (c) is amended to read as follows:

(c) *Limitations on excess profits tax.* The consolidated excess profits tax liability under section 430 (a) shall be whichever of the following amounts is the lesser:

(1) An amount equal to 30 percent of the consolidated adjusted excess profits net income.

(2) Whichever of the following is applicable to the taxable year:

(i) In the case of a taxable year ending before April 1, 1951, an amount equal to the excess of 62 percent of the consolidated section 433 (a) excess profits net income for the taxable year over the tax which would be imposed for the taxable year under sections 13, 14, and 15, and supplement G, whichever are applicable to the affiliated group, computed (subject to section 108, if applicable, and to section 141 (c)) as if the amount of the consolidated normal-tax net income and the amount of the consolidated corporation surtax net income (or the amount subject to the rate of tax in such supplement) were equal to the amount of the consolidated section 433 (a) excess profits net income for such year.

(ii) In the case of the calendar year 1951, an amount equal to the excess of 17¼ percent of the consolidated section 433 (a) excess profits net income for the taxable year over an amount which bears the same ratio (but not in excess of 100 percent) to the amount of the increase of 2 percent provided in section 141 (c) in the surtax liability as the amount of the consolidated section 433 (a) excess profits net income bears to the amount of the consolidated corporation surtax net income.

(iii) In the case of a taxable year beginning after March 31, 1951, an amount equal to the excess of 18 percent of the consolidated section 433 (a) excess profits net income for the taxable year over an amount which bears the same ratio (but not in excess of 100 percent) to the increase of 2 percent provided in section 141 (c) in the surtax liability as the amount of the consolidated section 433 (a) excess profits net income bears to the amount of the consolidated corporation surtax net income.

(3) If the affiliated group commenced business after July 1, 1945, and if the taxable year is the first, second, third, fourth, or fifth taxable year of the group, the amount determined under section 430 (e) for such taxable year with reference to the consolidated section 433 (a) excess profits net income. The following rules shall apply for the purpose of this subparagraph:

(i) The group shall be deemed to have commenced business on the earliest date on which any member commenced business, and the first, second, third, fourth, and fifth taxable year of the groups shall be determined under section 430 (e) (2) (A) with reference to the taxable year in which the group is deemed to have commenced business and by applying the rules prescribed in § 24.2 (f) for determining the taxable years of the group.

(ii) In determining when any member commenced business, and in applying the rules of § 24.2 (f), the existence and commencement of business of each member of the group shall be determined under the provisions of section 430 (e) (2) (B).

(iii) The limitation of section 430 (e) (3) (relating to income from contracts subject to a renegotiation act) shall be determined with reference to the aggregate of the gross income of the several members of the group and with reference to the aggregate of the gross income of the several members from the contracts and subcontracts described in such section. For the purpose of section 430 (e) (3), the gross income of the several members shall be determined without regard to dividends, without regard to gains from the sale or exchange of capital assets (not including gains of the character described in section 117 (j)), and without regard to gains of the character described in section 117 (j) if the group has a consolidated section 117 (j) net gain, and such gross income shall be properly adjusted to avoid duplication by reason of transactions between members of the group.

PAR. 5. Section 24.31 (a) (3) is amended as follows:

(A) By changing the parenthetical expression "(not including as a third, fourth, or fifth preceding taxable year

any taxable year beginning prior to January 1, 1950)" in subdivision (i) to read as follows: "(not including as a third preceding taxable year any taxable year beginning prior to January 1, 1948, unless such preceding taxable year began after December 31, 1946, and unless all members of the group for such preceding taxable year commenced business after December 31, 1945, and not including as a fourth or fifth preceding taxable year any taxable year beginning prior to January 1, 1950)".

(B) By changing the parenthetical expression "(not including as a third, fourth, or fifth preceding taxable year any taxable year beginning prior to January 1, 1950)" in subdivision (ii) to read as follows: "(not including as a third preceding taxable year any taxable year beginning prior to January 1, 1948, unless such preceding taxable year began after December 31, 1946, and unless the corporation commenced business after December 31, 1945, and not including as a fourth or fifth preceding taxable year any taxable year beginning prior to January 1, 1950)."

PAR. 6. Section 24.31 (a) (14) is amended to read as follows:

(14) *Consolidated section 26 (b) credit.* The consolidated section 26 (b) credit, relating to dividends received, shall be the sum of:

(i) An amount equal to 85 percent of the aggregate dividends, of the class with respect to which credit is allowed by section 26 (b), received by the several affiliated corporations, not including dividends on the preferred stock of a public utility subject to the provisions of subdivision (ii) of this subparagraph, and not including dividends from foreign corporations,

(ii) For any taxable year for which a percentage is specified in section 26 (b) (2), an amount determined by applying the percentage specified for the taxable year to the aggregate dividends received in such year by the several affiliated corporations on the preferred stock of a public utility described in section 26 (h) (including only those dividends with respect to which the credit provided in section 26 (h) for dividends paid is allowable), and

(iii) For taxable years beginning after December 31, 1950, the aggregate of the amounts computed under section 26 (b) (3) (relating to credit for dividends received from certain foreign corporations) for the several members of the group,

but in an amount not greater than 85 percent of the consolidated adjusted net income computed without regard to the consolidated net operating loss deduction.

PAR. 7. Section 24.31 (a) (15) is amended by striking out that part of subdivision (i) which precedes (a) and inserting in lieu thereof the following:

(i) With respect to a taxable year beginning after June 30, 1950, and the calendar year 1950, an amount determined by applying the percentage specified for the taxable year in section 26 (h) (1) to the lesser of—

PAR 8. Section 24.31 (a) (16) is amended to read as follows:

(16) *Consolidated section 26 (i) credit.* For taxable years beginning after June 30, 1950, and the calendar year 1950, the consolidated section 26 (i) credit shall be an amount determined by applying the percentage specified for the taxable year in section 26 (i) to the portion of the consolidated normal-tax net income, computed without regard to this credit, attributable to those members of the affiliated group which are Western Hemisphere trade corporations.

PAR. 9. Section 24.31 (a) (20) is amended as follows:

(A) By striking the word "and" at the end of subdivision (ii);

(B) By striking the period at the end of subdivision (iii) and inserting in lieu thereof ", and"; and

(C) By inserting immediately after subdivision (iii) the following:

(iv) The excess of the consolidated net long-term capital gain over the consolidated net short-term capital loss (computed without regard to any capital loss carry-over), but such excess shall be reduced by an amount equal to the excess of the taxes (determined without regard to section 102 and without regard to subchapter A of chapter 2) on the consolidated net income over the taxes so determined without including such excess in the consolidated net income.

PAR. 10. Section 24.31 (a) (23) is amended as follows:

(A) By striking "and" at the end of subdivision (ii);

(B) By striking the period at the end of subdivision (iii) and inserting in lieu thereof", and"; and

(C) By adding immediately after subdivision (iii) the following:

(iv) The aggregate of the amounts allowable under section 504 (e) for the several members of the group.

PAR. 11. Section 24.31 (a) (36) is amended as follows:

(A) By striking "and (Q)" from that part of such section preceding (i) and inserting in lieu thereof: "(Q), (R), and (S)"; and

(B) By inserting immediately after "the figure determined and proclaimed under section 202 (b)" wherever appearing in subdivision (iv) the following: "(except that the figure 0.87 shall be used for taxable years beginning in 1951)".

PAR. 12. Section 24.31 (a) (38) (i) is amended to read as follows:

(i) The amount of $25,000 (but no amount shall be allowed if, by reason of section 15 (c), no member of the group is entitled to a minimum excess profits credit), or

PAR. 13. Section 24.31 (a) (43) (vi) is amended by inserting immediately after "the consolidated net new capital addition" the following: "(or, if the affiliated group is subject to section 438 (g), the consolidated net new capital addition or the consolidated net new bank capital addition, whichever is greater)".

PAR. 13a. Section 24.31 (a) (58) is amended as follows:

(A) By inserting immediately after "the consolidated net new capital addition for the taxable year" in that part of such section preceding (i) the following: "(or, if the affiliated group is subject to section 438 (g), the consolidated net new capital addition or the consolidated net new bank capital addition for the taxable year, whichever is greater)".

(B) By inserting immediately after "the consolidated net new capital addition" in subdivision (i) the following: "or the consolidated net new bank capital addition, whichever is applicable."

PAR. 14. Section 24.31 (a) (59) is amended to read as follows:

(59) *Consolidated excess profits credit based on income.* The consolidated excess profits credit based on income for any taxable year shall be the sum of:

(i) An amount computed under section 435 (a) with respect to the consolidated average base period net income for the taxable year of the group as if such consolidated average base period net income were the average base period net income of a single corporation,

(ii) Twelve percent of the amount of the consolidated base period capital addition, and

(iii) Twelve percent of the consolidated net capital addition for the taxable year (or, if the affiliated group is subject to section 435 (g) (8), the consolidated net capital addition or the consolidated net bank capital addition for the taxable year, whichever is greater),

minus 12 percent of the consolidated net capital reduction for the taxable year (or, if the affiliated group is subject to section 435 (g) (8), the consolidated net capital reduction or the consolidated net bank capital reduction for the taxable year, whichever is greater).

PAR. 15. Section 24.31 (a) (60) is amended by inserting immediately after "or 446," the following: "or any subsection of section 459,".

PAR. 16. Section 24.31 (a) (62) is amended by striking the period at the end thereof and inserting in lieu thereof the following: "; but, for this purpose, in case the group had a taxable year beginning in 1949 and ending after March 31, 1950, there shall be substituted for the consolidated base period the period of 48 consecutive months ending March 31, 1950, if such substitution results in a lower excess profits tax for the taxable year for which the tax is being computed."

PAR. 17. Section 24.31 (a) (67) is amended by striking "consolidated yearly base period capital for the second preceding taxable year." from subdivision (ii) and inserting in lieu thereof the following: "* * * consolidated yearly base period capital for the second preceding taxable year,

but if the affiliated group is subject to section 435 (f) (6), the consolidated yearly base period bank capital shall be used in lieu of the consolidated yearly base period capital for the purpose of computing the consolidated base period capital addition."

PAR. 18. Section 24.31 (a) (68) is amended by inserting immediately after the word "reduced" the following: "(but not below zero)".

PAR. 19. Section 24.31 (a) (70) is amended by changing that part of such section which precedes (i) to read as follows:

(70) *Consolidated net capital addition.* The consolidated net capital addition for the taxable year shall be the sum of the consolidated section 435 (g) (9) adjustment, if any, and the following amount:

PAR. 20. Section 24.31 (a) (83) is amended to read as follows:

(83) *Consolidated alternative excess profits net income.* The consolidated alternative excess profits net income for any month shall be an amount equal to the sum of:

(i) The combined excess profits net income for such month determined under section 433 (b) for the several affiliated corporations other than the affiliated corporations described in subdivision (ii) of this subparagraph and other than the affiliated corporations to which subdivision (iii) of this subparagraph is applicable for such month,

(ii) In the case of any member of the affiliated group to which section 442 (d), 443, 444, 445, 446, 459 (a), or 459 (b) (2) (B) is applicable, one-twelfth of the average base period net income separately computed under such section for such member, and

(iii) In the case of any member of the group (other than a member described in subdivision (ii) of this subparagraph) to which section 442 (c), 442 (h), or 459 (b) (2) (A) is applicable and for which such month is a month identified under section 442 (c) (3), or a month selected under section 442 (h) (2) (B), or a month in the taxable year in which the catastrophe described in section 459 (b) (1) occurred, as the case may be, the substitute excess profits net income for such month separately computed for such member under section 442 (c), section 442 (h), or section 459 (b) (2) (A), as the case may be,

minus the combined deficits in excess profits net income for such month determined under section 433 (c) for the several affiliated corporations other than the corporations described in subdivision (ii) of this subparagraph and other than the affiliated corporations to which subdivision (iii) of this subparagraph is applicable for such month.

PAR. 21. Section 24.31 (a) (85) is amended by striking the parenthetical expression "(determined as if the affiliated group were a single corporation)" and inserting in lieu thereof the following: "(determined in the same manner as if the affiliated group were a single corporation, and, if more than one percentage is applicable, under the rules applicable in the case of a single corporation)."

PAR. 22. Section 24.31 (a) is amended by adding immediately after subparagraph (90) the following:

(91) *Consolidated 1951 adjusted normal tax net income of life insurance companies.* The consolidated 1951 adjusted normal-tax net income, in the case of an affiliated group consisting of corporations subject to the tax imposed by section 201 for taxable years beginning in 1951, shall be the consolidated normal tax net income plus eight times the consolidated section 202 (c) adjustment and minus the consolidated reserve interest credit, if any.

(92) *Consolidated reserve interest credit.* The consolidated reserve interest credit shall be the aggregate of the reserve interest credits of the several members of the affiliated group.

(93) *Consolidated net new bank capital addition.* The consolidated net new bank capital addition for the taxable year shall be:

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily new capital addition for each day of the taxable year over the aggregate of the consolidated daily new capital reduction for each such day, reduced (but not below zero) by

(ii) An amount which bears the same ratio to the consolidated increase in inadmissible assets for the taxable year as the amount computed under subdivision (i) of this subparagraph bears to the consolidated increase in total assets for the taxable year.

(94) *Consolidated increase in total assets.* The consolidated increase in total assets for the taxable year shall be an amount determined under subparagraph (52) of this paragraph by treating all assets of the members of the group as inadmissible assets (except that the rule provided in paragraph (b) (2) (xviii) (e) of this section shall be applicable only for the purpose of computing the consolidated net bank capital addition).

(95) *Consolidated net bank capital addition.* The consolidated net bank capital addition for the taxable year shall be the sum of the consolidated section 435 (g) (9) adjustment, if any, and the following amount:

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily capital addition for each day of the taxable year over the aggregate of the consolidated daily capital reduction for each such day, reduced (but not below zero) by

(ii) An amount which bears the same ratio to the consolidated increase in inadmissible assets for the taxable year as the amount computed under subdivision (i) of this subparagraph bears to the consolidated increase in total assets for the taxable year.

(96) *Consolidated net bank capital reduction.* The consolidated net bank capital reduction for the taxable year shall be:

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily capital reduction for each day of the taxable year over the aggregate of the consolidated daily capital addition for each such day, reduced (but not below zero) by

(ii) An amount which bears the same ratio to the consolidated decrease in inadmissible assets for the taxable year as the amount computed under subdivision (i) of this subparagraph bears to the consolidated decrease in total assets for the taxable year.

(97) *Consolidated decrease in total assets.* The consolidated decrease in total assets shall be an amount determined under subparagraph (*a*) (75) of this paragraph by treating all assets of the members of the group as inadmissible assets.

(98) *Consolidated yearly base period bank capital.* The consolidated yearly base period bank capital for a taxable year shall be the sum of:

(i) The consolidated equity capital at the beginning of the first day of such taxable year, and

(ii) An amount equal to 75 percent of the consolidated daily borrowed capital for such first day,

reduced (but not below zero) by the sum of

(iii) Seventy-five percent of the consolidated controlled group indebtedness for such first day,

(iv) Seventy-five percent of the aggregate of the adjustments for interest on borrowed capital under section 435 (f) (5) of the several members of the group for such first day, and

(v) An amount which bears the same ratio to the sum of the amounts computed in subdivisions (i) and (ii) of this subparagraph, reduced (but not below zero) by the amounts computed in subdivision (iii) and (iv) of this subparagraph, as the aggregate inadmissible assets for such first day of the several members of the group bears to the aggregate admissible and inadmissible assets for such first day of such members.

(99) *Consolidated section 435 (g) (9) adjustment.* The consolidated section 435 (g) (9) adjustment for the taxable year shall be:

(i) In the case of an affiliated group not subject to section 435 (g) (9) (B) (relating to banks), whichever is the lesser of:

(*a*) The excess of the amount computed under subparagraph (71) (ii) of this paragraph over the amount, if any, computed under subparagraph (71) (i) of this subparagraph, or

(*b*) The excess of the consolidated increase in operating assets over the consolidated net capital addition (computed without regard to the consolidated section 435 (g) (9) adjustment);

(ii) In the case of an affiliated group subject to section 435 (g) (9) (B) (relating to banks), whichever is the least of:

(*a*) The excess of—

(*1*) An amount which bears the same ratio to the consolidated decrease in inadmissible assets for the taxable year as the sum of the consolidated equity capital and the consolidated daily borrowed capital, both computed as of the beginning of the first day of the first taxable year of the group ending after June 30, 1950, bears to the aggregate of the admissible and inadmissible assets of the several members of the group as of the beginning of such day, over

(*2*) The amount, if any, computed under subparagraph (71) (i) of this paragraph, or

(*b*) If the group is subject to section 435 (g) (8) for the purpose of computing the consolidated net bank capital reduction, the excess of the amount computed under subparagraph (96) (ii) of this paragraph over the amount computed under subparagraph (96) (i) of this paragraph, or

(*c*) The excess of the consolidated increase in operating assets over whichever

is the greater of the consolidated net capital addition or the consolidated net bank capital addition (each computed without regard to the consolidated section 435 (g) (9) adjustment).

(100) *Consolidated increase in operating assets.* The consolidated increase in operating assets shall be the amount which would be determined under subparagraph (52) of this paragraph as the consolidated increase in inadmissible assets if the inadmissible assets of the members of the group consisted only of the operating assets (as defined in section 435 (g) (10 (B)) of the several members of the group.

PAR. 23. Section 24.31 (b) (1) is amended as follows:

(A) By striking "and" at the end of subdivision (vii);

(B) By striking the period at the end of subdivision (viii) and inserting in lieu thereof "; and"; and

(C) By adding immediately after subdivision (viii) the following:

(ix) In the case of the deduction provided in section 23 (ff) (relating to mine exploration expenditures), the allowable deduction shall be determined subject to the qualifications prescribed in subparagraph (30) of this paragraph.

PAR. 24. Section 24.31 (b) (2) (xxii) (*b*) is amended by striking the parenthetical expression "(including any component corporation of any such member within the meaning of section 461)" and inserting in lieu thereof the following: "(including any component corporation of any such member within the meaning of section 461, and including any selling corporation with respect to which any such corporation is a purchasing corporation as defined in section 474 (a))".

PAR. 25. Section 24.31 (b) (2) (xxvi) is amended as follows:

(A) By striking *"or 446"* from the heading of such section and inserting in lieu thereof the following: *446, or 459"*;

(B) By striking "or 446" from the part of such section preceding (*a*) and inserting in lieu thereof the following: "446, or 459";

(C) By striking "assets; and" at the end of subdivision (*a*) (*1*) and inserting in lieu thereof the following: "assets, and properly adjusted for amounts with respect to other members of the group taken into account under section 442 (f) (2); and";

(D) By inserting immediately after "the outstanding indebtedness" in subdivision (*a*) (2) the following: "(other than indebtedness described in section 442 (f) (2))";

(E) By striking "444" wherever it appears in subdivision (*c*) and inserting in lieu thereof the following: "section 444 or 459 (a)";

(F) By inserting immediately after "any facility held" in subdivision (*c*) of such section the following: "(or, for the purpose of section 444, considered under section 444 (f) (2) to have been held)"; and

(G) By adding immediately after subdivision (*e*) of such section the following:

(*f*) For the purpose of applying section 459 (a) (3), the gross income shall be properly adjusted to avoid duplication arising by reason of transactions between members of the group.

(*g*) For the purpose of applying section 459 (c) (except for the purpose of determining an amount computed under section 435 (d)) deductions and expenses shall be properly adjusted to avoid duplication by reason of transactions between members of the group.

PAR. 26. Section 24.31 (b) (2) is amended by adding immediately after subdivision (xxvii) the following:

(xxviii) *Mutual savings banks, domestic building and loan associations, and cooperative banks.* In the case of a mutual savings bank, a domestic building and loan association, and a cooperative bank:

(*a*) In the computation of total deposits or withdrawable accounts at the close of the taxable year for the purpose of section 23 (k) (1) (B) (relating to the deduction for bad debts), there shall be excluded the total deposits or withdrawable accounts of other members of the group, and

(*b*) In the computation of the deduction provided in section 23 (r) (1) (relating to dividends paid by banking corporations), there shall be excluded amounts paid to, or credited to the accounts of, other members of the group.

PAR. 27. Section 24.31 (b) (12) (iv) (*c*) (2) is amended by striking out the words "the provisions of section 112 (b) (7) of the Internal Revenue Code relating to certain complete liquidations occurring during some one calendar month in 1944 or 1951" and inserting in lieu thereof the following: "the provisions of section 112 (b) (7) of the Internal Revenue Code relating to certain complete liquidations occurring during some one calendar month in a year specified in such section".

PAR. 28. Section 24.31 (b) (13) (viii) is amended by striking "consolidated original section 435 (g) (7) indebtedness" from subdivision (*b*) and inserting in lieu thereof the following: "consolidated original controlled group indebtedness".

PAR. 29. Section 24.31 (b) (14) is amended as follows:

(A) By striking "; and" at the end of subdivision (i) and inserting in lieu thereof a period; and

(B) By adding immediately after subdivision (ii) the following:

(iii) If the consolidated selected base period is determined by substituting for the consolidated base period the period of 48 consecutive months ending March 31, 1950, the consolidated weighted excess profits net income for each of the months January, February, and March of 1950 shall be substituted for the consolidated section 433 (b) excess profits net income for each such month.

PAR. 30. Section 24.31 (b) (15) is amended as follows:

(A) By striking the words "the beginning of the consolidated base period" from subdivision (i), (i) (*b*), (i) (*c*), (ii), (ii) (*a*), (ii) (*b*), and (iii) of such section and inserting in lieu thereof the following: "the end of the consolidated base period"; and

(B) By striking the word "solely" from subdivision (iii) of such section.

PAR. 31. Section 24.31 (b) (16) is amended as follows:

(A) By striking the words "the beginning of the consolidated base period" from subdivision (i) (*a*), (i) (*b*), and (iii) (*d*) of such section, and inserting in lieu thereof the following: "the end of the consolidated base period";

(B) By inserting in subdivision (iii) (*a*) of such section, immediately after the words "If those members of the affiliated group", in subdivision (iii) (*b*) of such section, immediatley after the words "If those members of the group", and in subdivision (iii) (*c*) of such section, immediately after the words "In the case of each member of the affiliated group", the following: "which commenced business before the end of the consolidated base period and"; and

(C) By striking "(i) (B)" from subdivision (iii) (*d*) of such section and inserting in lieu thereof "(i) (*b*)".

PAR. 32. Section 24.31 (b) (17) is amended as follows:

(A) By striking "section 442 (c), 442 (d), 443, 444, or 446" from subdivision (i) of such section and inserting in lieu thereof the following: "section 442 (c), 442 (d), 442 (h), 443, 444, 446, 459 (a), 459 (b), 459 (c), or 459 (d)"; and

(B) By striking "Section 442, 443, 444, 445, or 446" from subdivision (ii) of such section and inserting in lieu thereof the following: "Section 442 (c), 442 (d), 442 (h), 443, 444, 445, 446, 459 (a), 459 (b), 459 (c), or 459 (d)";

(C) By striking "or 446" from subdivision (iv) of such section and inserting in lieu thereof the following: "446, 459 (a), 459 (b), 459 (c), or 459 (d)"; and

(D) By adding immediately after subdivision (iv) the following:

(v) In the case of a member of the group to which section 459 (c) is applicable, the excess profits net income determined under section 433 (b) or the deficit in excess profits net income determined under section 433 (c), as the case may be, for any month shall include as an item of excess profits net income one-twelfth of the amount which, under section 459 (c), would be added to the amount computed under section 435 (d) for such corporation.

(vi) In the case of a member of the group to which section 459 (d) is applicable, the excess profits net income determined under section 433 (b) for any month, and the deficit in excess profits net income determined under section 433 (c) for any month, shall be computed as follows:

(*a*) Such computation shall be made without regard to income, deductions, losses, or other items attributable to the television broadcasting business of the corporation, and

(*b*) There shall be included, as an item of excess profits net income for the month, an amount equal to one-twelfth of the amount which, under section 459 (d), would be added to the amount computed for such corporation under section 459 (d) (2) (A).

PAR. 33. Section 24.31 (b) (18) (i) is amended as follows:

(A) By striking "or 446" and inserting in lieu thereof the following: "446, 459 (a), 459 (b) (2) (B), or 459 (c)";

(B) By striking "section 442 (c)" and inserting in lieu thereof the following: "section 442 (c) or section 442 (h)";

(C) By striking "section 442 (c) (1)" and inserting in lieu thereof the following: "section 442 (c) (1) or section 442 (h)"; and

(D) By adding at the end thereof the following: If the affiliated group includes any member for which an amount computed under section 459 (d) is included in the consolidated alternative average base period net income, the portion of the consolidated base period capital addition properly allocable to such member shall be subject to proper adjustment under section 459 (d) (5) (A).

PAR. 34. Section 24.31 (b) (19) is amended as follows:

(A) By striking *"443 or 445"* from the heading of such section and inserting in lieu thereof the following: *"443, 445, or 459 (d)"*; and

(B) By inserting immediately after the first sentence thereof the following: "If the affiliated group includes any member for which an amount computed under section 459 (d) is included in the consolidated alternative average base period net income, the consolidated net capital addition or reduction shall be subject to proper adjustment under section 459 (d) (5) (C) to eliminate the effect thereon of any items involved in the computation of the consolidated alternative average base period net income."

PAR. 35. Section 24.31 (b) (20) is amended as follows:

(A) By striking "In the computation of the consolidated section 448 excess profits credit, the consolidated section 448 gross credit, and the consolidated section 448 inadmissible asset adjustment, the following rules shall apply in the case of any member of the affiliated group described in section 448 (c) (1) (a), (c) (1) (b), (c) (2) or (c) (4)" and inserting in lieu thereof the following: "In the computation of the consolidated section 448 excess profits credit, the consolidated section 448 (b) gross amount, and the consolidated section 448 inadmissible asset adjustment, the following rules shall apply in the case of any member of the affiliated group described in section 448 (c) (1) (A), (c) (1) (B), (c) (2) or (c) (4)."

(B) By striking subdivisions (a) and (b) of subdivision (i) and inserting in lieu thereof the following:

(a) The sum of:

(1) The average outstanding common and preferred capital stock accounts for the taxable year and the average capital and earned surplus accounts (or minus any deficits therein) for the taxable year, as properly recorded on the corporate books of account of such member, determined under the rules applicable to the computation of such amounts if a separate return were filed by such member, and

(2) The average borrowed capital of such member for the taxable year, minus

(b) The average for the taxable year of the amount, as properly recorded on the corporate books of account, of the stock of other members of the group held by such member.

PAR. 36. Section 24.31 (b) is amended by adding immediately after subparagraph (27) the following:

(28) *Disposal of timber or coal*—(i) *Intercompany transactions.* Section 117 (k) (2) (relating to the disposal of timber or coal) shall apply to an amount received by a member of the group only to the extent such amount is received by the member of the group as a party to a transaction described in section 117 (k) (2) with persons not members of the group.

(ii) *Application of section 102 and Subchapter A to coal royalties.* For the purpose of determining the consolidated section 102 net income, the consolidated subchapter A net income, and the tax under section 117 (c) (1) in lieu of the tax imposed by subchapter A, the provisions of section 117 (k) (2) shall not apply to any amount received by a member of the group upon the disposal of coal.

(29) *Special rules in case of banks.* The rules provided in this paragraph with respect to the computation of the consolidated net new capital addition, the consolidated yearly base period capital, the consolidated net capital addition, and the consolidated net capital reduction shall also be applicable with respect to the computation of the consolidated net new bank capital addition, the consolidated yearly base period bank capital, the consolidated net bank capital addition, and the consolidated net bank capital reduction, respectively.

(30) *Mine exploration expenditures*—(i) *Limitation under section 23 (ff) (1).* If the aggregate of the deductions, computed without regard to this sentence, allowable under section 23 (ff) (1) to the several members of the group exceeds $75,000, the deduction under that section allowable to any member of the group shall be an amount which bears the same ratio to $75,000 as its deduction computed without regard to this sentence bears to the aggregate of such deductions so computed for the members of the group.

(ii) *Limitation under section 23 (ff) (3).* If the limitation provided in section 23 (ff) (3) is applicable to any member of the group, such limitation shall be deemed applicable to all members of the group.

(31) *Application of section 433 (a) (1) (R) and section 433 (b) (16).* For the purpose of applying section 433 (a) (1) (R) and section 433 (b) (16) (which relate to payments from foreign sources for technical assistance):

(i) If any deduction of a member of the group, disallowed under such section, consists of a payment to another member of the group, such payment shall be considered remuneration described in such section to such other member.

(ii) A foreign corporation shall be considered to be a "related foreign corporation" if the members of the group, at the time the service or assistance is rendered, own 10 percent or more of the outstanding stock of such foreign corporation.

(32) *Eligibility requirements for consolidated net new bank capital addition.* An affiliated group shall be subject to section 433 (g) for any taxable year if during such taxable year one or more members of the group are banks (as defined in section 104) and if:

(i) More than one-half of the sum of—

(a) The consolidated equity capital for the first day of the first taxable year of the group ending after June 30, 1950, and

(b) Seventy-five percent of the consolidated daily borrowed capital for such first day is properly allocable to such banks, and

(ii) The consolidated increase in total assets for the taxable year exceeds the amount determined under paragraph (a) (47) (i) of this section.

(33) *Affiliated groups subject to section 435 (f) (6), section 435 (g) (8), and section 435 (g) (9) (B).* If during the taxable year one or more members of the group are banks (as defined in section 104), and if more than one-half of the consolidated average base period net income is properly allocable to such banks, then the affiliated group shall be subject to:

(i) Section 435 (f) (6) (but, in computing the tax for a taxable year beginning before October 20, 1951, only if all the members of the group so elect);

(ii) Section 435 (g) (8): *Provided,* That—

(a) In the case of the consolidated net bank capital addition, the consolidated increase in total assets for the taxable year exceeds the amount computed under paragraph (a) (70) (i) of this section, and

(b) In the case of the consolidated net bank capital reduction, the consolidated decrease in total assets for the taxable year exceeds the amount computed under paragraph (a) (71) (i) of this section;

(iii) Section 435 (g) (9) (B).

(34) *Rules for computation of consolidated section 435 (g) (9) adjustment.* For the purpose of determining the consolidated section 435 (g) (9) adjustment, the following rules shall apply:

(i) The consolidated section 435 (g) (9) adjustment shall be subject to reduction to the extent that the Commissioner determines that the consolidated increase in operating assets is a result, directly or indirectly, of an increase in indebtedness of any member of the group (other than indebtedness which constitutes borrowed capital and other than indebtedness from one member of the group to another member of the group).

(ii) For the purpose of paragraph (a) (99) (i) (a) of this section, the amount computed under paragraph (a) (71) (ii) of this section shall not be less than the consolidated decrease in inadmissible assets for the taxable year reduced by 25 percent of the excess of—

(a) The amount computed under paragraph (a) (71) (i) of this section by using 100 percent, in lieu of 75 percent, of the amounts referred to in paragraph (a) (73) (iii) and (v) of this section (relating to borrowed capital and loans to members of a controlled group), over

(b) The amount computed under paragraph (a) (71) (i) of this section without regard to the amounts referred to in paragraph (a) (73) (iii) and (v) of this section.

(iii) For the purpose of determining the excess of the consolidated increase in operating assets over the consolidated net capital addition or consolidated net capital bank addition, the consolidated net capital addition and the consolidated net bank capital addition shall be com-

puted by using 100 percent, in lieu of 75 percent, of the amounts referred to in paragraph (a) (72) (iii) of this section and paragraph (a) (73) (iii) and (v) of this section (relating to borrowed capital and loans to members of a controlled group).

PAR. 37. The following new section is added immediately after § 24.44:

§ 24.45 *Mine exploration expenditures.* For the purpose of applying the limitation provided in section 23 (ff) (3) (whether during a consolidated return period or during a period for which a separate return is made), if during a preceding taxable year for which a consolidated return was made or was required to be made any member of the affiliated group for such preceding taxable year was allowed the deduction provided in section 23 (ff) (1) or made the election provided in section 23 (ff) (2), each member of the affiliated group for such preceding taxable year shall be deemed to have been allowed such deduction or to have made such election, as the case may be.

[F. R. Doc. 52-5418; Filed, May 13, 1952; 11:22 a. m.]

## DEPARTMENT OF AGRICULTURE

### Bureau of Entomology and Plant Quarantine

### [ 7 CFR Part 301 ]

WHITE-FRINGED BEETLE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), is considering amending § 301.72-2 of the regulations supplemental to the quarantine relating to white-fringed beetles (7 CFR Supp., 301.72-2, as amended) in the following respects:

1. By deleting from the regulated areas designated therein all references to Evans and Telfair Counties, Georgia; Bladen County, North Carolina; and Richland County, South Carolina.

2. By adding to the regulated areas in Baldwin, Dallas, Escambia, Mobile, and Monroe Counties, Alabama; Escambia County, Florida; Washington Parish, Louisiana; and Covington, Jones, Perry, Rankin, and Simpson Counties, Mississippi, designated in § 301.72-2 additional townships, sections, and towns, or parts thereof; and by adding to the regulated areas designated therein certain sections and towns located in Lauderdale County, Mississippi, and Tipton County, Tennessee, so that the regulated areas in such counties and parish would read as follows:

ALABAMA

Baldwin County: All of T. 7 S., R 6 E.; S½ T. 7 S., Rs 4 and 5 E., including all of the town of Foley; secs. 6 and 7, T. 8 S., R. 4 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; secs. 35 and 36, T. 7 S., R. 3 E.; secs. 28, 29, 30, 31, 32, and 33, T. 5 S., R. 4 E.; secs. 4, 5, 6, 7, 8, and 9, T. 6 S., R. 4 E.; N½ T. 6 S., R. 3 E., except secs. 6 and 7; S½ T. 5 S., R. 3 E., except secs. 30 and 31; secs. 1, 2, and 3, T. 5 S., R. 2 E.; secs. 25, 26, 27, 34, 35, and 36, T. 4 S., R. 2 E.

Dallas County: That area included within a boundary beginning on the Southern Railroad where it crosses Boguechitto Creek, thence SW along the Southern Railroad to Cain Creek, thence SE along Cain Creek to its intersection with Boguechitto Creek, thence northward along Boguechitto Creek to where it intersects the south line of sec. 5, T. 15 N., R. 8 E., thence east along the section line to the SE corner, sec. 5, T. 15 N., R. 9 E., thence north to NE corner sec. 20, T. 16 N., R. 9 E., thence west to NW corner sec. 24, T. 16 N., R. 8 E., thence south to SW corner sec. 25, T. 16 N., R. 8 E., thence west along the section line to its intersection with Boguechitto Creek, thence upstream along Boguechitto Creek to the point of beginning; Tps. 13 and 14 N., R 11 E.; E½ T. 14 N., R. 10 E.; and that area included within a boundary beginning at a point where the south line of sec. 14, T. 16 N., R. 10 E. intersects the Alabama River, thence east to a point where the south line of sec. 14, T. 16 N., R. 11 E., intersects the Alabama River, and thence downstream along the Alabama River to the point of beginning.

Escambia County: Secs. 1, 2, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 32, 33, 34, 35, and 36, T. 1 N., R. 8 E.; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and area south thereof to the Alabama-Florida State line; secs. 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, 34, and 35, T. 1 N., R. 7 E.; and N½ T. 3 N., Rs. 6 and 7 E.

Mobile County: All that area south of township line which separates T. 1 S. from T. 2 S.

Monroe County: S½ and secs. 1, 2, 11, 12, 13, and 14, T. 5 N., R. 6 E.; E½ T. 6 N., R. 6 E.; T. 6 N., and E½ Tps. 7, 8, 9, and SE¼ T. 10 N., R. 7 E.; Tps. 7, 8, 9, and S½ T. 10 N., R. 8 E.; T. 9 N., and S½ T. 10 N., R. 9 E.; and those parts of Tps. 3 and 4 N., R. 6 E., Tps. 4 and 5 N., R. 7 E., Tps. 5 and 6 N., R. 8 E., Tps. 6, 7, and 8 N., R. 9 E., in Monroe County.

FLORIDA

Escambia County: S½ T. 3 N., R. 31 W., and those parts of T. 2 N., Rs. 30 and 31 W., in Escambia County and area in the County south thereof, including all of the city of Pensacola; those portions of Tps. 5 and 6 N., Rs. 30 and 31 W., in Escambia County; and E½ Tps. 5 and 6 N., R. 32 W.

LOUISIANA

Washington Parish: E½ T. 3 S., R. 13 E.; that part of T. 3 S., R. 14 E., west of Pearl River in Washington Parish, including all of the town of Bogalusa; secs. 23, 24, 25, 34, 36, 44, 45, 46, 47, 48, 51, 52, 53, and 54, T. 2 S., R. 10 E.; secs. 3, 10, 14, 15, 39, 40, 41, 42, 43, 46, 48, 49, 50, and 51, T. 3 S., R. 10 E.; secs. 19, 20, 29, 30, 31, 32, 38, and 39, T. 2 S., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 37, 38, 39, 40, 41, 43, 49, and 50, T. 3 S., R. 11 E.

MISSISSIPPI

Covington County: W½ Tps. 6, 7, and 8 N., R. 14 W.; E½ T. 6 N., and Tps. 7 and 8 N., R. 15 W.; T. 8 N., R. 16 W.; S½ T. 8 N., R. 17 W.; those parts of T 7 N., Rs. 16 and 17 W., in Covington County; W½ T. 9 N., R 16 W.; and that part of the NE¼ T. 9 N., R. 17 W., in Covington County.

Jones County: That part of T. 10 N., R. 11 W., in Jones County, except secs. 24, 25, and 36; those parts of T. 10 N., Rs. 12 and 13 W., in Jones County; T. 9 N., Rs. 12 and 13 W.; T. 9 N., R. 11 W., except secs. 1 and 12; E½ and secs. 29, 30, 31, and 32, T. 8 N., R. 12 W.; N½ T. 8 N., R. 11 W.; N½ T. 7 N., R. 12 W.; that portion of T. 6 N., R. 13 W., east of Leaf River; secs. 28, 29, 30, 31, 32, and 33, T. 6 N., R. 13 W.; and secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.

Lauderdale County: Secs. 1, 12, 13, 14, 22, 23, 24, 26, 27, 34, and 35, T. 6 N., R. 15 E.; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 6 N., R. 16 E.; sec. 31, T. 7 N., R. 16 E.; and sec. 36, T. 7 N., R. 15 E., including all of the town of Meridian.

Perry County: S½ T. 3 N., R. 11 W.; secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 3 N., R. 10 W.; secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 2 N., R. 9 W.; secs. 5 and 6, T. 4 N., R. 9 W.; secs. 29, 30, 31, and 32, T. 5 N., R. 9 W.; secs. 25, 26, 35, 36, T. 5 N., R. 10 W.; and secs. 1 and 2, T. 4 N., R. 10 W.

Rankin County: E½ and secs. 4, 5, and 6, T. 3 N., R. 2 E.; T. 3 N., R. 3 E.; secs. 19, 20, 27, 28, 29, 30, 31, 32, 33, and 34, T. 4 N., R. 2 E.; sec. 31, T. 6 N., R. 2 E.; sec. 36, T. 6 N., R. 1 E.; secs. 6, 7, 18, and 19, T. 5 N., R. 2 E.; and that portion of E½ of N½ of T. 5 N., R. 1 E., east of Pearl River.

Simpson County: E½ T. 2 N., R. 3 E.; T. 2 N., R. 4 E.; T. 1 N., Rs. 4 and 5 E.; E½ T. 10 N., R. 19 W.; secs. 1, 2, 3, and those parts of secs. 10, 11, and 12, T. 9 N., R. 19 W., in Simpson County; secs. 29, 30, 31, and 32, T. 1 N., R. 6 E.; secs. 1 and 12, T. 10 N., R. 18 W.; T. 10 N., R. 17 W., except secs. 1, 2, 3, 10, 11, 12, 18, 19, 30, and 31; and that portion of T. 9 N., R. 17 W., except sec. 6, in Simpson County.

TENNESSEE

Tipton County: That area within the corporate limits of the town of Mason.

The principal purpose of the proposed amendments is to make minor additions to the regulated areas in the respective counties and parish listed in Alabama, Florida, Louisiana, and Mississippi, and to include within the regulated areas for the first time portions of Lauderdale County, Mississippi, and Tipton County, Tennessee.

In addition, it is proposed to remove from the regulated areas those sections of Evans and Telfair Counties, Georgia; Bladen County, North Carolina; and Richland County, South Carolina now under regulation. There is now no pest risk involved in the movement of regulated articles from these counties, except possibly in the case of bulk soil. Such soil generally moves only locally and is subject to State quarantine regulation if it is to move to or through any nonregulated area.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 9th day of May 1952.

[SEAL] CHARLES F. BRANNAN,
*Secretary of Agriculture.*

[F. R. Doc. 52-5323; Filed, May 13, 1952; 8:48 a. m.]

## FEDERAL POWER COMMISSION

### [ 18 CFR Part 157 ]

[Docket No. R-120]

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

MAY 1, 1952.

Amendment of Part 157 of Subchapter E, Regulations Under the Natural Gas Act, to prescribe requirements for form and filing of applications for certificates

of public convenience and necessity under section 7 of the Natural Gas Act.

1. Supplemental notice is hereby given of proposed rule making in the above-entitled matter. This supplemental notice of proposed rule making supersedes notice of proposed rule making issued under date of March 6, 1951, and published in the FEDERAL REGISTER under date of March 14, 1951 (16 F. R. 2400).

2. It is proposed to amend Part 157, entitled "Applications for Certificates of Public Convenience and Necessity Under Section 7 of the Natural Gas Act As Amended" of Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations to prescribe therein (in lieu of existing §§ 157.5 through 157.10, and §§ 157.12 and 157.14) amended, or new §§ 157.5 through 157.17, 157.20, and 157.22, to read as set forth below.

3. In response to the notice of proposed rule making issued under date of March 6, 1951, numerous suggestions and comments were submitted by interested persons respecting the changes in the Commission's rules therein proposed. All such suggestions and comments have been carefully considered and, to the extent deemed pertinent and desirable, have been embodied in the accompanying proposed amendments to the rules.

4. The accompanying proposed amendments to the Commission's rules are proposed to be issued under authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 15 U. S. C. 717f and 717o).

5. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than May 29, 1952, data, views and comments in writing concerning the proposed amendments. An original and nine copies should be filed of any such submittals.

The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY, *Secretary.*

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT CONCERNING ANY OPERATION, SALES, SERVICE, CONSTRUCTION, EXTENSION, OR ACQUISITION

Sec.



APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT CONCERNING ANY OPERATION, SALES, SERVICE, CONSTRUCTION, EXTENSION, OR ACQUISITION

§ 157.5 *Purpose and intent of rules.* (a) Applications under section 7 of the Natural Gas Act shall set forth all information necessary to advise the Commission fully concerning the operation, sales, service, construction, extension, or acquisition for which a certificate is requested. Some applications may relate to facilities which are additions to existing facilities or facilities of such character that an abbreviated application may be justified under the provisions of § 157.7. However, every applicant shall file all pertinent data and information necessary for a full and complete understanding of the proposed project as well as its effect upon applicant's present and future operations.

(b) Every requirement of these rules shall be considered as a forthright obligation of the applicant which can only be avoided by a definite and positive showing that the information or data called for by the applicable rules is not necessary for the consideration and ultimate determination of the application.

(c) These rules will be strictly applied to all applications as submitted and the burden of adequate presentation in intelligible form as well as justification for omitted data or information rests with the applicant.

§ 157.6 *Applications; general requirements*—(a) *Applicable rules.* Applications shall conform to the requirements of §§ 157.5 through 157.14, and other applicable requirements of the Commission's rules of practice and procedure, particularly §§ 1.5, 1.15, 1.16, and 1.17 of this chapter. Amendments to or withdrawals of applications shall conform to the requirements of § 1.11 of this chapter. If the application involves an acquisition of facilities, it shall conform to the additional requirements prescribed by §§ 157.15 and 157.16.

(b) *General content of application.* Each application filed shall set forth the following information:

(1) The exact legal name of applicant; its principal place of business; whether an individual, partnership, corporation, or otherwise; State under the laws of which organized or authorized; and the name, title, and mailing address of the person or persons to whom communications concerning the application are to be addressed.

(2) The facts relied upon by applicant to show that the proposed service, sale, operation, construction, extension, or acquisition is or will be required by the present or future public convenience and necessity.

(3) A concise description of applicant's existing operations.

(4) A concise description of the proposed service, sale, operation, construction, extension, or acquisition, including the proposed dates for the beginning and completion of construction, the commencement of operations and of acquisition, where involved.

(5) A full statement as to whether any other application to supplement or effectuate applicant's proposals must be or is to be filed by applicant, or any other person, with any other Federal, State, or other regulatory body; and if so, the nature and status of each such application.

(6) A table of contents which shall list all exhibits and documents filed in compliance with §§ 157.5 through 157.16, as well as all other documents and exhibits otherwise filed, identifying them by their appropriate titles and alphabetical letter designations: *Provided, however,* That alphabetical letter designations specified in §§ 157.14 and 157.16 must be strictly adhered to and extra exhibits submitted at the volition of applicant shall be designated in sequence under the letter X (X 1, X 2, X 3, etc.).

(c) *Requests for shortened procedure.* If shortened procedure is desired a request therefor shall be made in conformity with § 1.32 (b) of this chapter, and may be included in the application or filed separately.

§ 157.7 *Abbreviated applications.* When the operations, sales, service, construction, extensions, or acquisitions proposed by an application do not require all the data and information specified by §§ 157.5 through 157.16 to disclose fully the nature and extent of the proposed undertaking, an abbreviated application may be filed provided it contains all information and supporting data necessary to explain fully the proposed project, its economic justification, its effect upon applicant's present and future operations and upon the public proposed to be served, and is otherwise in conformity with the applicable requirements of §§ 157.5 through 157.16 regarding form, manner of presentation, and filing. Such an application shall (a) state that it is an abbreviated application; (b) specify which of the data and information required by §§ 157.5 through 157.16 are omitted; and (c) relate the facts relied upon to justify separately each such omission.

§ 157.8 *Acceptance for filing or rejection of applications.* Applications will be docketed when received and the applicant so advised. Any application which does not conform to the requirements of §§ 157.5 through 157.16 will be rejected by the Secretary as provided by § 1.14 of this chapter. All copies of a rejected application will be returned. An application which relates to an operation, sale, service, construction, extension, or acquisition, concerning which a prior application has been filed and rejected, shall be docketed as a new application. Such new application shall state the docket number of the prior rejected application.

§ 157.9 *Notice of application.* Notice of each application filed, except when rejected in accordance with § 157.8, will be published in the FEDERAL REGISTER and copies of such notice mailed to States affected thereby. Persons desiring to receive a copy of the notice of every application shall so advise the Secretary.

§ 157.10 *Protests and interventions.* Notices of applications, as provided by §157.9, will fix the time within which any person desiring to participate in the proceeding or to file a protest regarding the application, may file a petition to intervene or protest, and within which any interested regulatory agency, as provided by § 1.8 of this chapter, desiring to intervene may file its notice of intervention. Failure to make timely filing will constitute ground for denial of participation, in the absence of extraordinary circumstances for good cause shown. See §§ 1.7, 1.8, 1.10, and 1.37 (f) of this chapter. A copy of each application, supplement, and amendment thereto, except exhibits required by §§ 157.14 and 157.16, shall upon request be promptly supplied by the applicant to anyone who has filed a petition for leave to intervene or given notice of intervention. A person entitled to receive a copy of the application, as herein provided, shall be promptly supplied by applicant with a copy of such of the exhibits required by §§ 157.14 and 157.16 as such person shall specifically request.

§ 157.11 *Hearings*—(a) *General.* The Commission will schedule each application for public hearing at the earliest date possible giving due consideration to statutory requirements and other matters pending, with notice thereof as provided by § 1.19 (b) of this chapter: *Provided, however,* That when an application is filed less than fifteen days prior to the commencement of a hearing theretofore ordered on a pending application and seeks authority to serve some or all of the markets sought in such pending application or is otherwise competitive with such pending application, the Commission will not schedule the new application for hearing until it has rendered its final decision on such pending application, except when, on its own motion, or on appropriate application, it finds that the public interest requires otherwise.

(b) *Shortened procedure.* If no protest or petition to intervene raises an issue of substance, the Commission may upon request of the applicant dispose of an application in accordance with the provisions of § 1.32 (b) of this chapter.

§ 157.12 *Dismissal of application.* Except for good cause shown, failure of an applicant to go forward on the date set for hearing and present its full case in support of its application will constitute ground for the summary dismissal of the application and the termination of the proceedings.

§ 157.13 *Form of exhibits to be attached to applications.* Each exhibit attached to an application must conform to the following requirements:

(a) *General requirements.* Each exhibit shall contain a title page showing applicant's name, docket number (to be left blank), title of the exhibit, the proper letter designation of the exhibit, and, if of 10 or more pages, a table of contents, citing by page, section number or subdivision, the component elements or matters therein contained.

(b) *Reference to previous applications.* An application may refer to previous applications provided the docket number and the portions thereof referred to are specified with particularity and the exact page or exhibit numbers are stated, including the page numbers in any exhibit to which reference is made. No part of an application may be incorporated by reference.

(c) When an application considered alone is incomplete and depends vitally upon information in another application, it will not be accepted for filing until the supporting application has been filed. When applications are interdependent, they shall be filed concurrently.

(d) *Measurement base and B. t. u. content.* All gas volumes shall be stated upon a uniform pressure of 14.73 psia, at 60° F. temperature, and shall also show the B. t. u. content by proper reference.

§ 157.14 *Exhibits*—(a) *To be attached to each application.* All exhibits specified shall accompany each application when tendered for filing.

(1) *Exhibit A—Articles of incorporation and bylaws.* If applicant is not an individual, a conformed copy of its articles of incorporation and bylaws, or other similar documents.

(2) *Exhibit B—State authorization.* For each State where applicant is authorized to do business, a statement showing the date of authorization, the scope of the business applicant is authorized to carry on and all limitations, if any, including expiration dates and renewal obligations. A conformed copy of applicant's authorization to do business in each State affected shall be supplied upon request.

(3) *Exhibit C—Company officials.* A list of the names and business addresses of applicant's officers and directors, or similar officials if applicant is not a corporation.

(4) *Exhibit D—Subsidiaries and affiliation.* If applicant or any of its officers or directors, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of any other person or organized group of persons engaged in production, transportation, distribution, or sale of natural gas, or of any person or organized group of persons engaged in the construction or financing of such enterprises or operations—a detailed explanation of each such relationship, including the percentage of voting strength represented by such ownership of securities. If any person or organized group of persons, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of applicant—a detailed explanation of each such relationship.

(5) *Exhibit E—Corporate authorization.* A certified copy of the resolution or other instrument of the board of directors authorizing (i) the proposed project, and (ii) the filing of the application.

(6) *Exhibit F—Location of facilities.* A geographical map of suitable scale and detail showing, and appropriately differentiating between, all of the facilities proposed to be constructed or acquired and existing facilities of applicant, the operation or capacity of which will be directly affected by the proposed facilities, including:

(i) Location, length, and size of pipe lines.

(ii) Location and size (rated horsepower) of compressor stations.

(iii) Location and designation of each point of connection of existing and proposed facilities with (a) main-line industrial customers, gas pipe-line or distribution systems, showing towns and communities served and to be served at wholesale and retail, and (b) gas-producing and storage fields, or other sources of gas supply.

(7) *Exhibit G—Flow diagram showing daily design capacity and reflecting operation with proposed facilities added.* A flow diagram showing daily design capacity and reflecting operating conditions with proposed facilities and existing facilities in operation, including the following:

(i) Diameter, wall thickness, and length of pipe to be installed.

(ii) For each proposed new compressor station and existing station, the size, type and number of compressor units, horsepower required, horsepower to be installed, volume of gas to be used as fuel, suction and discharge pressures, and compression ratio.

(iii) Pressures and volumes of gas at the main-line inlet and outlet connections at each compressor station.

(iv) Pressures and volumes of gas at each intake and takeoff point and at the beginning and terminus of all proposed facilities.

(8) *Exhibit G–I—Flow diagram reflecting maximum capabilities.* If Exhibit G does not reflect the maximum deliveries of which applicant's existing and proposed facilities would be capable of achieving under most favorable operating conditions, without installation of any facilities in addition to those proposed in the application, include an additional diagram or diagrams to depict such maximum capabilities.

(9) *Exhibit G–II—Flow diagram data.* Exhibits G and G–I shall be accompanied by a statement of engineering design data in explanation and support of the diagrams and the proposed project, setting forth:

(i) Assumptions, bases, formulae, and methods used in the development and preparation of such diagrams and accompanying data.

(ii) A description of the pipe and fittings to be installed, specifying the diameter, wall thickness, yield point, ultimate tensile strength, method of fabrication, and methods of testing proposed.

(iii) When lines are looped, the length and size of the pipe in each loop.

(iv) Type, capacity, and location of each natural gas storage field or facility, and of each dehydration, desulphurization, natural gas liquefaction, hydrocarbon extraction, or other similar plant or facility directly attached to the applicant's system, indicating which of such plants are owned or operated by applicant, and which by others, giving their names and addresses.

(10) *Exhibit H—Total gas supply data.* A statement of the total gas supply committed to, controlled by, or possessed by applicant which is available to

it for the acts and the services proposed, together with:

(i) The estimated total volume of proven reserves in place for each reservoir in each field from which applicant takes or proposes to take natural gas, giving names and location of fields (State, county, or parish).

(ii) The estimated total volumes of proven reserves available to applicant by fee or under lease, segregated by gas fields and reservoirs thereof, giving names and locations of fields (State, county, or parish).

(iii) The names and addresses of persons with whom applicant has gas purchase contracts, the effective dates and remaining terms in years of such contracts, and the estimated volumes of gas reserves applicant has available under each contract, segregated by gas fields and reservoirs thereof with names and locations of fields (State, county, or parish).

(iv) A deliverability study, showing the daily volumes of natural gas which can and are proposed to be obtained each year from each source of supply.

(v) A conformed copy of each gas purchase contract upon which applicant proposes to rely.

(vi) A legible and clearly lettered map or maps showing: the location of each gas field; the proven limits of each reservoir; acreage committed to applicant's project; volumes of gas which are or may be withdrawn from each reservoir under existing contracts and identity of pipeline companies or others receiving gas; and all pipelines and other facilities to be utilized to deliver gas to applicant's pipeline system, indicating ownership if other than by applicant. Information respecting different reservoirs in a gas field shall be shown on separate maps except when a single map will clearly show all required information without confusion.

(vii) A study of each proposed gas storage field showing: location; geology; original and present reserves for each reservoir; original and present pressure of each reservoir; proposed top and base storage pressures; proposed top and base gas volumes to be stored; a deliverability study, including daily and annual injection and withdrawal rates and pressures; and maximum daily deliverability and maximum storage capacity under the proposed plan of development.

(11) *Exhibit I—Market data.* A system-wide estimate of the volumes of gas to be delivered during each of the first five years of operation of the proposed facilities, and actual data of like import for each of the three years next preceding the filing of the application, together with:

(i) Names and locations of customer companies and municipalities, showing the number of residential, commercial, firm industrial, interruptible industrial, residential space-heating, commercial space-heating, and other types of customers for each distribution system to be served at retail or wholesale; and the names and locations of each firm and interruptible direct industrial customer whose estimated consumption totals 10,000 Mcf or more in any calendar month or 100,000 Mcf or more per year.

(ii) Applicant's total annual and peak day gas requirements by classification of service in subdivision (i) of this subparagraph (1), divided as follows: gas requirements (*a*) for each distribution area where gas is sold by applicant at retail; (*b*) for each wholesale customer; (*c*) for all main line direct industrial customers; and (*d*) company use and unaccounted-for gas, for both the applicant and each wholesale customer.

(iii) Total past and expected curtailments of service for both applicant and each wholesale customer, all to be listed by the classifications of service in subdivision (i) of this subparagraph.

(iv) Explanation of basic factors used in estimating future requirements, including, for example: peak-day and annual degree-day deficiencies, annual load factors of applicant's system and of its deliveries to its proposed customers; individual consumer peak-day and annual consumption factors for each class of consumers, with supporting historical data; forecasted saturation of space-heating as related to past experience; and full detail as to all other sources of gas supply available to applicant and to each of its customers, including manufacturing facilities and liquid petroleum gas.

(v) Conformed copy of each contract for sale or transportation of natural gas by means of the proposed facilities.

(vi) A full description of all facilities, other than those covered by the application, necessary to provide service in the communities to be served, the estimated cost of such facilities, by whom they are to be constructed, and evidence of economic feasibility.

(vii) A copy of each market survey made within the past 3 years.

(viii) A statement showing the franchise rights of applicant or other person to distribute gas in each community in which service is proposed.

(ix) When an application requires a statement of total peakday or annual market requirements of affiliates, whose operations are integrated with those of applicant, to demonstrate applicant's ability to provide the service proposed or to establish a gas supply, estimates and data required by this subparagraph shall also be stated in like detail for such affiliates.

(12) *Exhibit J—Conversion to natural gas.* If manufactured gas service exists in a community proposed to be served, submit with respect to each such community:

(i) Description of existing gas manufacturing facilities and their physical condition, including: the type, size, daily output capacity, and installation date of each gas generating unit; daily sendout capacity of plant; and capacity of storage holders.

(ii) Statement of kind of gas proposed to be distributed; use proposed to be made of gas manufacturing facilities in connection with such service; estimated cost of converting gas manufacturing facilities to high B. t. u. gas production, showing B. t. u. content, whether such conversion of manufacturing facilities is planned, and estimated daily sendout capacity after conversion.

(iii) Study showing estimated cost of converting consumers' appliances to natural gas and the accounting proposed for such cost.

(iv) Description, location, and estimated cost of new facilities, if any, to be constructed for the receipt and distribution of natural gas.

(v) Study showing savings, if any, for each of the first 5 years of proposed natural gas operation and the basis therefor.

(vi) Study showing any rate reduction and for improvement in service to the ultimate consumers.

(13) *Exhibit K—Cost of facilities.* A detailed estimate of total capital cost of the proposed facilities for which application is made, showing cost of construction by operating units such as compressor stations, main pipelines, laterals, measuring and regulating stations, and separately stating the cost of rights-of-way, damages, surveys, materials, labor, engineering and inspection, administrative overhead, fees for legal and other services, interest during construction, and contingencies.

(14) *Exhibit L—Financing.* Plans for financing the proposed facilities for which the application is filed, together with:

(i) A detailed description of applicant's outstanding and proposed securities and liabilities, showing amount (face value and number), interest or dividend rate, dates of issue and maturity, voting privileges, and principal terms and conditions applicable to each.

(ii) The manner in which applicant proposes to dispose of securities by private sale, competitive bidding or otherwise; the persons, if known, to whom they will be sold or issued, and if not known, the class or classes of such persons.

(iii) A statement showing for each proposed issue, by total amount and by unit, the estimated sale price and estimated net proceeds to the applicant.

(iv) An itemized statement of estimated expenses, fees, and commissions to be paid by applicant in connection with each proposed issue.

(v) A statement showing whether the consent of any holder of any security is necessary to permit the issuance of the additional securities proposed, and whether, as to the proposed issue of securities, a like restriction is to be made applicable to any securities issued thereafter.

(vi) Statement of anticipated cash flow, including provision during the first five years of operation of proposed facilities for interest requirements, dividends, and capital retirements.

(vii) Statement showing, over the life of each issue, the annual amount of securities which applicant expects to retire through operation of a sinking fund or other extinguishment of the obligation.

(viii) A balance sheet and income statement (12 months) of most recent date available.

(ix) Comparative pro forma balance sheets and income statements for each of the first five years of operation, giving effect to the proposed construction and proposed financing of the project.

(x) Conformed copies of all agreements, contracts, mortgages, deeds of trust, indentures, agreements to advance

materials or supplies or render services in return for applicant's securities, underwriting agreements, and any other agreements or documents of a similar nature.

(xi) Conformed copies of all reports, letters, or other documents, submitted by applicant to underwriters, insurance companies, or others regarding financing, including business studies, forecasts of earnings, and other similar financial or accounting reports, statements, or documents.

(xii) Conformed copies of all applications and supporting exhibits, registration statements, or other similar submittals, if any, to the Securities and Exchange Commission, including all supplements, changes or modifications of the above.

(xiii) Any additional data and information upon which applicant proposes to rely in showing the adequacy and availability to it of resources for financing its proposed project.

(15) *Exhibit M—Construction, operation, and management.* A concise statement setting forth arrangements for supervision, management, engineering, accounting, legal, or other similar service to be rendered in connection with the construction or operation of the project, if not to be performed by employees of applicant, including reference to any existing or contemplated agreements therefor, together with:

(i) A statement showing affiliation between applicant and any parties to such agreements or arrangements. See § 157.14, Exhibit D.

(ii) Conformed copies of all construction, engineering, management, and other similar service agreements or contracts in any way operative with respect to construction, operation, or financing of facilities which are the subject of the application or will be applicable under system operations.

(16) *Exhibit N—Revenues—Expenses—Income.* Pro forma statements for each of the first 5 years of operation of the proposed facilities, showing:

(i) Gas system annual revenues and volumes of natural gas related thereto, subdivided by classes of service, and further subdivided by sales to direct industrial customers, sales to other gas utilities, and other sales, indicating billing quantities used for computing charges, e. g., actual demands, billing demands, volumes, heat-content adjustment or other determinants. In addition, if enlargement or extension of facilities is involved, the revenues attributable solely to the proposed facilities shall be stated separately, and the basis and data used in such computation shall be clearly shown.

(ii) Gas system annual operating expenses classified in accordance with the Commission's Uniform System of Accounts for Natural Gas Companies; the annual depreciation, depletion, taxes, utility income, and resulting rate of return on net investment in gas plant, including working capital. In addition, if enlargement or extension of facilities is involved, the cost of service attributable solely to the proposed facilities shall be stated separately with supporting data.

(17) *Exhibit O—Depreciation and depletion.* Depreciation and depletion rates to be established, the method of determination and the justification therefor.

(18) *Exhibit P—Tariff.* A statement of the rates to be charged for the proposed sales or service, including: (i) Identification of the applicable presently effective rate schedules, when no additional tariff filings will be required, or (ii) when changes are required in applicant's presently effective tariff, or if applicant has no tariff, pro forma copies of appropriate changes in or additions to the effective tariff or a pro forma copy of the new gas tariff proposed.

When new rates or changes in present rates are proposed or when the proposed facilities will result in a material change in applicant's average cost of service, such statement shall be accompanied by supporting data showing:

(i) System cost of service for the first calendar year of operation after the proposed facilities are placed in service.

(ii) An allocation of such costs to each particular service classification, with the basis for each allocation clearly stated.

(iii) The proposed rate base and rate of return.

(iv) Gas operating expenses, segregated functionally by accounts.

(v) Depletion and depreciation.

(vi) Taxes with the basis upon which computed.

(b) *Additional exhibits.* Applicant shall submit additional exhibits necessary to support or clarify its application. Such exhibits shall be identified and designated as provided by § 157.6 (b) (6).

(c) *Additional information.* Upon request by the Secretary, prior to or during hearing upon the application, applicant shall submit such additional data, information, exhibits, or other detail as may be specified. Such additional information shall conform to the requirements of §§ 1.15, 1.16, and 1.17 of the rules of practice and procedure unless otherwise directed by the Secretary.

§ 157.15 *Requirements for applications covering acquisitions.* An application for a certificate authorizing acquisition of facilities, in addition to complying with the applicable provisions of §§ 157.5 through 157.14, shall include a statement showing:

(a) The exact legal name of the vendor, lessor, or other party in interest (hereinafter referred to as "vendor"), the State or other laws under which vendor was organized, location of vendor's principal place of business, and a description of the business, operation or property of vendor covered by the application.

(b) Any certificate from the Commission, held by vendor, relating directly to the facilities which applicant seeks to acquire, citing the order, date thereof, docket designation, and title of the proceeding; reference to and designation of any companion applications by vendor for permission and approval pursuant to section 7 (b) of the Natural Gas Act.

(c) The manner in which the facilities are to be acquired, the consideration to be paid, the method of arriving at the amount thereof, and anticipated expenses in addition to the consideration.

(d) The facilities to be acquired, their present use, their proposed use after acquisition, and whether they constitute all of vendor's facilities.

(e) Any franchise, license, or permit respecting the facilities involved, showing expiration date thereof, and the effect of the proposed acquisition thereon.

§ 157.16 *Exhibits relating to acquisitions.* In addition to complying with the applicable requirements of § 157.14, every application involving acquisition of facilities shall be accompanied by the following exhibits:

(a) *Exhibit Q—Effect of acquisition on existing contracts and tariffs.* A statement showing the effect of the proposed transaction upon any agreements for the purchase, sale, or interchange of natural gas, and upon any rate schedules or tariffs on file with this Commission, together with pro forma rate schedule sheets, notices of cancellation, or other tariff filings required to be made with this Commission.

(b) Exhibit R—*Acquisition contracts.* A summary statement of all contracts, agreements or undertakings relating to the proposed acquisition, including:

(1) A conformed copy of each contract or other agreement covering or relating to the acquisition of the facilities.

(2) The names and addresses of all persons employed or to be employed concerning the transaction, including engineering, financial accounting, legal, or other services, and the compensation, fees, or other payments, paid or payable, to such persons.

(3) A disclosure of affiliation between applicant and vendor or between either of them and any other party in interest in the proposed acquisition. See § 157.14, Exhibit D.

(c) *Exhibit S—Accounting.* A statement showing:

(1) The amounts recorded upon the books of the vendor as being applicable to the facilities to be acquired, and the related depreciation, depletion, and amortization reserves.

(2) The original cost of the facilities to be acquired, segregated by accounts prescribed in the Commission's Uniform System of Accounts for Natural Gas Companies; the method by which the original cost was determined; and whether such statement of original cost has been approved by any regulatory body.

(3) If the original cost has not been determined, an estimate thereof, based upon records or data of vendor or its predecessors, together with an explanation of the manner in which such estimate was made and the name and address of the present custodian of all existing pertinent records and data.

(4) The depreciation, depletion, and amortization reserve requirements applicable to the original cost of the facilities to be acquired, estimated service lives, the approximate average age of the facilities to which the depreciation reserve applies, the amortization period, and the depletion rates and estimated gas reserves upon which accruals to the depletion reserve are based.

(5) The amount at which applicant proposes to record the facilities upon its

books; the amount of the original cost to be recorded, the depreciation, depletion, and amortization reserves; and the acquisition adjustments, if any, together with applicant's proposed disposition of all adjustments.

(6) Duplicate facilities to be acquired and retired, property which must be extensively rehabilitated, including a clear description of such property, the additional costs to be incurred, and the accounting therefor proposed.

(7) A balance sheet of the company to be acquired as of the most recent date available, if the acquisition involved is by purchase of capital stock and liquidation of the acquired company.

(8) A pro forma consolidating balance sheet, as of the date of the merger if the acquisition is by merger, showing the merging of the accounts and the adjustments relating thereto.

§ 157.17 *Applications for temporary certificates in cases of emergency.* In cases of emergency and pending the determination of an application on file with the Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, application may be made for a temporary certificate authorizing the construction and operation of such minor extensions of existing facilities and such interconnections of pipeline systems as may be required to assure maintenance of adequate service, or to serve particular customers. Such application shall be submitted in writing, shall be subscribed and verified by a responsible officer of applicant having knowledge of the facts, and shall state clearly and specifically the exact character of the emergency, the proposed method of meeting it, and the facts claimed to warrant issuance of a temporary certificate.

§ 157.20 *General conditions applicable to certificates.* Except as otherwise specifically ordered by the Commission, such of the following terms and conditions, among others, as the Commission shall find is required by the public convenience and necessity, shall attach to the issuance of each certificate and to the exercise of the rights granted thereunder.

(a) The certificate shall be void and without force or effect unless accepted in writing by applicant within 30 days from the issue date of the order issuing such certificate: *Provided, however,* That when an application for rehearing of such order is filed in accordance with section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days from the issue date of the order of the Commission upon the application for rehearing or within 30 days from the date on which such application may be deemed to have been denied when the Commission has not acted on such application within 30 days after it has been filed: *Provided further,* That when a petition for review is filed in accordance with the provisions of section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days after final disposition of the judicial review proceedings thus initiated.

(b) Any authorized construction, extension, or acquisition shall be completed and in actual operation by applicant and any authorized operation, service, or sale shall be actually undertaken and regularly performed by applicant within (period of time to be specified by the Commission in each order) from the issue date of the Commission's order issuing the certificate.

(c) Applicant shall file with the Commission, in writing and under oath, an original and four conformed copies of the following: (1) Within ten days after the bona fide beginning of construction, notice of the date of such beginning; (2) each 3 months after the date of the issuance of the order granting the certificate, a progress report showing the exact status of authorized construction; (3) within 10 days after authorized facilities have been constructed and placed in service or any authorized operation, sale, or service has commenced, notice of the date of such placement and commencement; and (4) within 6 months after authorized facilities have been constructed and placed in service and authorized operations have commenced, a statement showing the actual cost of constructing authorized facilities by operating units, and showing separately the actual cost of labor, materials, rights-of-way, damages, surveys, engineering, inspection, overhead, interest during construction, contingencies, and all other items of cost, together with a statement showing and explaining the cause for any difference between actual cost and estimates of cost relied upon by applicant in the proceeding in which the certificate is issued.

(d) With respect to an acquisition authorized by the certificate, applicant shall file with the Commission, in writing and under oath, an original and four conformed copies of the following: (1) Each 3 months after the issue date of the Commission's order issuing this certificate, a progress report showing the exact status of the acquisition; (2) within 10 days after acquisition and the beginning of authorized operations, notice of the dates of acquisition and the beginning of operations; and (3) within 6 months after consummation of the acquisition, a statement showing and explaining the cause for any differences between the actual cost of the facilities acquired and the estimates of cost relied upon by applicant in the proceeding in which the certificate is issued.

(e) The certificate issued to applicant is not transferable in any manner and shall be effective only so long as applicant continues the operations authorized by the order issuing such certificate and in accordance with the provisions of the Natural Gas Act, as well as applicable rules, regulations, and orders of the Commission.

§ 157.22 *Exemption of temporary acts and operations.* Public interest does not require the issuance of a certificate for the construction and operation of facilities for interruption or serious curtailment of adequate natural-gas service where interruption or serious curtailment of service exists or is threatened because of failure of facilities or failure or curtailment of supply or unusual and unexpected demand on such facilities or supply, and where such acts and operations are limited to a single period of not more than sixty days: *Provided, however,* That:

(a) Every person undertaking any such construction or operation shall immediately advise the Commission and within ten days file a full statement, in writing and under oath, together with four (4) conformed copies thereof, setting forth the purpose and character of the facilities, sales or services involved, a description of the operation and specific facilities constructed, and the anticipated duration of the emergency.

(b) Emergency operations thus undertaken without a certificate shall be discontinued upon expiration of the 60-day period, and all facilities installed for such temporary acts or operations shall be promptly removed and the Commission so advised in writing and under oath within 10 days following expiration of such 60-day period.

[F. R. Doc. 52-5386; Filed, May 13, 1952; 8:54 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO 171, ENLARGEMENT

MAY 6, 1952.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (2) of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights, the tracts of public land described below are hereby withdrawn from all form of appropriation under the public land laws, and reserved for use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air Navigation Site Withdrawal No. 171, Enlargement:

SEWARD MERIDIAN

T. 6 S., R. 3 W.:
Sec. 15, S½SW¼SE¼, SE¼SE¼
Sec. 22, N½NE¼NE¼, SW¼NE¼NE¼

The tracts described contain 90 acres.

It is intended that the land described herein shall be returned to the admin-

istration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

LOWELL M. PUCKETT,
*Regional Administrator.*

[F. R. Doc. 52-5311; Filed, May 13, 1952; 8:45 a. m.]

## Petroleum Administration for Defense

[PAD Instruction No. 2]

PAD INSTRUCTION 2—ESTABLISHMENT OF COMMITTEES AND SUPPLY DIRECTORS

This instruction is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950, as amended. Consultation with industry representatives has been rendered impracticable due to the need for immediate action. Consultation has been held with the Department of Justice prior to the issuance of this instruction and the instruction has been issued with the concurrence of the Department of Justice.

Sec.
1. Nature of this instruction and what it does.
2. Definitions.
3. Committee organization.
4. Committee duties and functions.
5. Supply director.
6. Duties and functions of supply director.
7. Coordination.
8. Records and reports.
9. Communications.
10. Effective date and duration.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 710, 64 Stat. 820, as amended; 50 U. S. C. App. Sup. 2160; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; sec. 101, E. O. 10182, Nov. 21, 1950, 15 F. R. 8013, as amended by E. O. 10205, Jan. 16, 1951, 16 F. R. 419; DPA Delegation 1, Jan. 24, 1951, 16 F. R. 738, as amended May 15, 1951, 16 F. R. 4594; Interior Dept. Order 2591, Oct. 3, 1950, 15 F. R. 6767, as amended Dec. 21, 1950, 15 F. R. 9529, Jan. 29, 1951, 16 F. R. 932, Mar. 27, 1951, 16 F. R. 2896, Interior Dept. Order No. 2614, Jan. 25, 1951, 16 F. R. 904; DTA Delegation 6, May 5, 1951, 16 F. R. 4149; NPA Delegation 9, Feb. 26, 1951, 16 F. R. 5295; Supp. 1 to NPA Delegation 25, 1951, 16 F. R. 5023; as amended June 1 1951, 16 F. R. 5295; Sup. 1 to NPA Delegation 13, June 30, 1951, 16 F. R. 6406; NPA Delegation 14, June 7, 1951, 16 F. R. 6401, as amended Mar. 6, 1952, 17 F. R. 1971.

Section 1. *Nature of this instruction and what it does.* (a) It is the purpose of this instruction to establish organizational arrangements by which the Petroleum Administration for Defense can move quickly to avert shortages in petroleum products. Petroleum supply is based upon continuous production, movement, refining and distribution of petroleum and its products. Whenever this continuous flow is substantially interrupted dislocations in supply inevitably develop, resulting in disturbances in distribution to numerous communities. It is necessary to develop means for finding facts with respect to community supply conditions and methods of alleviating supply and distribution problems based upon known conditions. Since situations alter rapidly the problem becomes one of integrating the supply aspects of individual marketing areas and communities with nationwide supply operations so that products are continually available and distributed to most essential needs.

(b) There are two parts to the problem. The first part is to know promptly and continuously all aspects of supply in affected communities throughout the nation. This includes knowledge of inventories of crude oil and products both in affected areas and readily available to such areas, schedules of incoming shipments, and delivery requirements in terms of quantity, type and nature of use. The second part is concerned with appropriate authority for assuring without delay distribution to meet the requirements of national defense, including essential civilian activities. Whenever, for any reason, there is a major dislocation in petroleum supply, arrangements supplementary to normal existing arrangements must be established. At the present there is a major dislocation in many areas.

(c) This instruction establishes mechanisms for dealing with supply dislocations. Through these mechanisms, the Petroleum Administration for Defense can keep currently informed of supply conditions and requirements in affected areas and can provide decentralized responsibility as required to meet the supply problems of those areas.

SEC. 2. *Definitions.* (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives of the foregoing, and includes the United States or any agency thereof, or any other Government, or any of its political subdivisions, or any agency of the foregoing.

(b) "Petroleum" means petroleum, including natural gas, and the products thereof.

(c) "Committee" means any PAD District, State or Area Committee established by the Petroleum Administration for Defense pursuant to this instruction, and shall include any Executive Committee or Subcommittee thereof organized pursuant to this instruction.

(d) "Supply Director" means any person designated by the Secretary of the Interior and Petroleum Administrator as a Supply Director.

(e) "Committee member" means any person who is appointed by the Administrator to be a member of a committee.

(f) "Administrator" means the Secretary of the Interior and Petroleum Administrator, the Deputy Administrator, or such official of the Petroleum Administration for Defense as may be designated to act as Deputy Administrator.

(g) "Affected area" means any area set forth in Schedule A.

(h) "PAD" means the Petroleum Administration for Defense.

SEC. 3. *Committee organization.* (a) There are hereby established: (1) A PAD district Committee for each PAD District, as enumerated in Schedule B; (2) a PAD State Committee for each State as enumerated in Schedule C; (3) a PAD Area Committee for each area as enumerated in Schedule D. Each committee shall be composed of such committee members as may be appointed by the Administrator. Each committee shall have a Chairman, who may be a member of the committee, who shall be appointed by the Administrator and who shall be responsible for the conduct of the affairs of the committee.

(b) The Administrator may from time to time alter the membership of any committee. He may appoint an alternate to any member who may sit on the committee in the event of the absence of or disability of the member.

(c) The Administrator may appoint from the membership of any committee an executive committee thereof. He may from time to time alter the membership of such executive committee. The executive committee shall perform all duties and functions of the committee when the latter is not in session.

(d) The Administrator may appoint subcommittees of any committee to assist the committee in performing its duties and functions. Members of any subcommittee appointed need not be the same as the members of the committee, except that in any case the Chairman of a subcommittee shall be a member of the committee.

(e) Meetings of any committee may be held upon call of the chairman of any such committee. An agenda of any meetings so held shall be initiated in advance by the chairman, but in no circumstance may the agenda consist of topics other than those prescribed for study and report of the committee by PAD.

(f) The committee may make use of such professional or clerical help as may be necessary to discharge the duties and functions conferred upon it pursuant to this instruction and as may be acceptable to the chairman of the committee. Operating expenses of any committee shall be met from a fund to be voluntarily contributed. Contributions may be made by any person and such contributions may be solicited by the committee.

(g) Each committee meeting shall be open to the alternate and counsel of each member of the committee, to representatives of any United States Government agency, including persons duly appointed pursuant to this instruction and to any individual designated by PAD.

SEC. 4. *Committee duties and functions.* (a) Each committee may undertake an organization meeting.

(b) In addition, in any affected area, each committee may perform the duties and functions set forth in paragraph (c) of this section upon instruction from PAD that such duties and functions are to be performed. No duties or functions other than the conduct of an organization meeting may be performed by any committee in the absence of such notification.

(c) Duties and functions which each committee shall perform are:

(1) Ascertain facts with respect to the status of petroleum supply, including crude inventories.

(2) Ascertain product inventories at refineries, terminals, bulk plants and service stations.

(3) Ascertain recent and current rates and methods of movement of petroleum to points of consumption; and in instances where the flow is impaired, the reasons therefor.

(4) Secure data as to specific areas suffering particular shortages of petroleum, together with the particular petroleum products which may be in short supply.

(5) Develop information as to the status of supply for relatively more essential uses of petroleum as such uses may be determined by PAD.

(6) Make suggestions and recommendations as to the most feasible means for meeting shortage situations and effecting additional supplies of petroleum in specific areas.

(d) In addition, each committee shall as provided in section 7 cooperate with the supply director in performing the duties and functions of paragraph (c) of this section.

SEC. 5. *Supply director.* (a) As to any affected area or part thereof, the Administrator may appoint a supply director who shall perform such of the functions and duties enumerated in Section 6 as may be authorized by PAD. The supply director may be a member of the staff of PAD or may be a Federal, State or local official duly appointed as a supply director by the Administrator.

(b) The supply director may, but is not required to, utilize the services of the agency or agencies with which he may be affiliated. Should he utilize the services of other persons he shall do so only to the extent and in the manner that may be authorized by PAD. He shall not delegate such powers as may be vested in him except with the express prior permission of PAD, nor shall he make appointments of personnel to act on behalf of or in the name of PAD, the power to make such appointments being hereby specifically reserved to the Administrator.

(c) The supply director may recommend to the Administrator the appointment and employment of personnel in addition to those presently employed in any agency or agencies with which he is affiliated on the ground that such appointment is necessary in order to carry forward the duties and functions which he has been authorized to undertake and that services of existing personnel are inadequate either by virtue of training or experience or by virtue of existing responsibilities to perform such additional duties and functions as may be authorized by PAD.

(d) Any supply director or any person appointed by the Administrator to assist in the performance of duties and functions which a supply director may be authorized to undertake (other than a member of the staff of the Petroleum Administration for Defense) is hereby exempted, with the respect to such appointment and any employment in connection therewith, from the operation of secs. 281, 283, 284, 434, and 1915 of Title 18, U. S. C., and sec. 190 of the Revised Statutes (5 U. S. C. 99), with the following specific exceptions:

(1) Exemption hereunder shall not extend to the negotiation or execution by an appointee under this instruction of Government contracts with the private employer of such appointee or with any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest.

(2) Exemption hereunder shall not extend to making any recommendation or taking any action with respect to individual applications to PAD or to a duly appointed supply director for relief or assistance, on appeal or otherwise, under the provisions of the Defense Production Act of 1950, as amended, made by private employer of the appointee or by any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest.

(3) Exemption hereunder shall not extend to the prosecution by the appointee, or participation of the appointee in any fashion in the prosecution of any claims against the Government growing out of any matter with the respect to which the appointee was personally concerned in his official capacity during his employment pursuant to this instruction, during the period of such employment and the further period of two years after the termination of such employment.

SEC. 6. *Duties and functions of supply director.* (a) The supply director shall be responsible for undertaking within the powers of PAD, as he may be specifically authorized by PAD, actions in the name of PAD necessary to alleviate shortage conditions in the supply of petroleum and to effect equitable distribution of petroleum among users thereof. Specifically, the supply director shall: (1) Keep currently informed of the present and projected petroleum stock situation, including the extent of petroleum supply deficiency in distribution areas, and the anticipated supplies that will be or can be made available to meet deficiencies; (2) assist in locating and develop plans for procuring additional supplies to meet essential needs; (3) supervise the allocation and distribution of supplies among dealers and classes of consumers; and (4) take such action in accordance with appropriate authorizations from the Petroleum Administration for Defense, including procedures and standards established in connection therewith, as may be necessary to direct petroleum to essential uses in the interest of national defense and maintenance of a sound civilian economy.

(b) The supply director shall report to the Assistant Deputy Administrator (Domestic Petroleum Operations), and in performing his duties and functions shall be responsible to such Assistant Deputy Administrator.

(c) In taking any action involving the allocation or distribution of petroleum which utilizes the power of the Defense Production Act of 1950, as amended, the supply director shall be bound by the terms of any delegations, standards or procedures by means of which authorization to undertake such action may be granted by the Petroleum Administration for Defense.

SEC. 7. *Coordination.* (a) The supply director may call upon and utilize the services of any committee established pursuant to this instruction. The chairman of any committee is hereby authorized to work with the supply director and to provide the supply director with the same type and character of information as might be supplied to the Petroleum Administration for Defense pursuant to this instruction.

(b) The supply director in utilizing the services of any committee, and a committee chairman in making available information and data to a supply director, shall be limited by instructions from the Petroleum Administration for Defense as to the specific methods of operation and the particular committee (District, State, or Area), which shall work with the supply director involved. To assure maximum coordination, instructions of the Petroleum Administration for Defense will be transmitted jointly to the appropriate supply director(s) and committee chairman or chairmen.

SEC. 8. *Records and reports.* (a) Each committee and supply director shall retain for disposition in accordance with instructions from the Petroleum Administration for Defense, records and reports concerning any matters considered or action taken pursuant to the authority of this instruction.

(b) All records and reports required by this instruction shall be held available, at the usual place of business where maintained, for inspection and audit by duly authorized representatives of the Petroleum Administration for Defense.

(c) Persons subject to this instruction shall make such records and submit such reports to PAD as it shall require, subject to the terms of the Federal Reports Act of 1942 (56 Stat. 1078, 5 U. S. C., secs. 139–139f).

SEC. 9. *Communications.* Communications concerning this instruction shall be addressed to the Director, Supply and Transportation Division, Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C., Ref.: PAD Instruction No. 2.

SEC. 10. *Effective date and duration.* This instruction is issued this 13th day of May 1952, and shall become effective at 3:01 a. m., e. s. t., May 14, 1952. Sections 3 and 4 of this instruction shall remain in effect, unless otherwise provided, until 3:01 a. m., e. s. t., August 14, 1952.

OSCAR L. CHAPMAN,
*Secretary of the Interior and*
*Petroleum Administrator.*

MAY 13, 1952.

SCHEDULE A

Affected Area means PAD District 2, which consists of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, and Tennessee.

SCHEDULE B

A PAD District Committee is established for PAD District 2.

SCHEDULE C

A PAD State Committee is established for each of the following States: Illinois, Indiana, Michigan, and Ohio.

SCHEDULE D

A PAD Area Committee is established for each of the following cities: Chicago, Illinois; and Detroit, Michigan.

OFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D. C.

MAY 13, 1952.

The Honorable
The SECRETARY OF THE INTERIOR,
*Washington 25, D. C.*

MY DEAR MR. SECRETARY: You have submitted for my consideration PAD Instruction No. 2 of Petroleum Administrator for Defense, Department of the Interior, together with a memorandum, dated May 7, 1952, discussing its purpose and proposed manner of operation. Under the instruction, the Petroleum Administration for Defense would establish committees and appoint supply directors in various parts of the country as an aid in averting shortages in petroleum products arising from an existing major dislocation in petroleum supply.

As you know, the committees which the Petroleum Administration for Defense proposes to establish do not meet the minimum requirements for the operation of industry advisory committees set forth by the Department of Justice in its letter to you and to other officials charged with mobilization functions, dated October 19, 1950. Nor has the plan been submitted for approval as a voluntary agreement under section 708 of the Defense Production Act of 1950. However, on the basis of representations made by the Petroleum Administration for Defense concerning the seriousness of the emergency, the nature of the functions to be performed by the committees and the limited period for which the committees will operate, I interpose no objection to the issuance of PAD Instruction No. 2 or to the formation of the committees described in the instruction, or to their functioning as described in the instruction.

It should be understood, of course, that in the event that any particular plan or course of action or one which may be put in operation in the future is used to accomplish unlawful private ends through the medium of the proposed committees, the Department of Justice retains complete freedom to institute appropriate proceedings, either civil or criminal. It is also my understanding that, in the event that the committees, or any of them, do not operate in the public interest, you will terminate their existence

Sincerely,

PHILIP B. PERLMAN,
*Acting Attorney General.*

[F R. Doc 52-5436; Filed, May 13, 1952; 12:11 p. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 4947 et al.]

ROBINSON AIRLINES CORP.; RENEWAL APPLICATION

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of Robinson Airlines Corporation Renewal Application.

Notice is hereby given that oral argument in the above-entitled case is postponed from May 15 to May 20, 1952, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 9, 1952.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 52-5343; Filed, May 13, 1952; 8:52 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6264]

NIAGARA MOHAWK POWER CORP. AND NIAGARA FALLS POWER CO.

ORDER FIXING TIME FOR ORAL ARGUMENT

In the matter of Niagara Mohawk Power Corporation as successor licensee to the Niagara Falls Power Company; Docket No. E-6264.

Upon consideration of the request of Niagara Mohawk Power Corporation for an opportunity to present oral argument on its exceptions to the Recommended Decision of the Presiding Examiner in the above-entitled matter, filed April 10, 1952;

The Commission orders:

(A) The Recommended Decision of the Presiding Examiner filed April 10, 1952, and Exceptions thereto filed by the Staff and Niagara Mohawk Power Corporation be and the same are hereby set for oral argument before the Commission on June 5, 1952, at 10 a. m., e. d. s. t., in the Commission Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) At the oral argument Niagara Mohawk Power Corporation shall open and shall have one hour, saving such time as it may desire for rebuttal, and Staff counsel shall have one hour.

Date of issuance: May 8, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 52-5315; Filed, May 13, 1952; 8:45 a. m.]

[Docket Nos. G-1003, G-1012, G-1289, G-1319, G-1896, G-1897]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, DENYING SHORTENED PROCEDURE AND FIXING DATE OF HEARING

MAY 8, 1952.

In the matters of Texas Eastern Transmission Corporation, Docket Nos. G-1003, G-1012; South Jersey Gas Company, Docket No. G-1289; Algonquin Gas Transmission Company, Docket No. G-1319; Jersey Central Power & Light Company, Docket No. G-1896; New Jersey Natural Gas Company (formerly County Gas Company), Docket No. G-1897.

On February 25, 1952, Jersey Central Power & Light Company (applicant, Docket No. G-1896), a New Jersey corporation having its principal place of business in Asbury Park, New Jersey, filed an application, and supplements thereto on March 27, 1952, April 8, April 21, April 24, and April 25, respectively, pursuant to section 7 (b) of the Natural Gas Act, for an order permitting and approving abandonment by sale of all of its gas properties, facilities, franchises, privileges and rights, to New Jersey Natural Gas Company (formerly County Gas Company), in connection with an order of the Securities and Exchange Commission dated December 28, 1951, directing General Public Utilities Corporation to dispose of gas properties owned and operated by Applicant, a corporate subsidiary.

On February 26, 1952, New Jersey Natural Gas Company (Applicant, Docket No. G-1897), formerly County Gas Company, a New Jersey corporation having its principal place of business in Atlantic Highlands, New Jersey, filed an application, and supplements thereto on April 4, April 10, April 15, April 16, April 21, and April 25, 1952, respectively, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing (1) the acquisition and operation of the natural-gas facilities of Jersey Central Power & Light Company (Jersey Central), and (2) the construction and operation of a metering station at East Brunswick Township, Middlesex County, New Jersey.

The applicants have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

Disposition of the foregoing applications may entail a need for modification of the Commission orders issued in Docket Nos. G-1003 and G-1012 to Texas Eastern Transmission Corporation, Docket No. G-1289 to South Jersey Gas Company, and Docket No. G-1319 to Algonquin Gas Transmission Company, so as to substitute the name "New Jersey Natural Gas Company" in lieu of "Jersey Central Power and Light Company," in the authorization granted in those proceedings for the delivery and sale of natural gas to Jersey Central Power and Light Company.

The applications, together with supplements, are on file with the Commission and open to public inspection.

The Commission finds:

(1) The Commission should on its own motion reopen the proceedings in Docket Nos. G-1003, G-1012, G-1289, and G-1319 for the sole purpose of determining whether the name "New Jersey Natural Gas Company" should be substituted for "Jersey Central Power and Light Company" in the manner set forth above.

(2) Good cause exists to consolidate the proceedings in Docket Nos. G-1896 and G-1897 and the reopened proceedings referred to in Finding (1) above.

(3) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for fixing the date of hearing in the consolidated proceedings referred to in Finding (2) above less than 15 days after publication of this notice in the FEDERAL REGISTER.

(4) Good cause has not been shown for granting the Applicants' requests

that their applications be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said requests should be denied as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. G–1003, G–1012, G–1289, and G–1319 be and they hereby are, on the Commission's own motion, reopened for the sole purpose of determining whether "New Jersey Natural Gas Company" should be substituted in lieu of "Jersey Central Power and Light Company" in the manner set forth above.

(B) The proceedings in Docket Nos. G–1896 and G–1897 and the reopened proceedings referred to in Paragraph (A) above be and they hereby are consolidated for purpose of hearing.

(C) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on May 14, 1952 at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid applications, and consolidated matters.

(D) The requests of the Applicants that their applications in Docket Nos. G–1396 and G–1897 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same are hereby denied.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: May 9, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–5338; Filed, May 13, 1952; 8:52 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

NOTICE OF HOUSING PROGRAMS AND RELAXATION OF CREDIT CONTROLS IN CRITICAL DEFENSE HOUSING AREAS

PART II—DEFENSE HOUSING PROGRAMS

Appearing below are amendments to previously published defense housing programs and also additional new defense housing programs and supplemental programs to area programs previously published. These amendments are published herein as amendments to Part II (Defense Housing Programs) of the Notice of Housing Programs and Relaxation of Credit Controls in Critical Defense Housing Areas initially published in the FEDERAL REGISTER on October 27, 1951 (16 F. R. 10962).

With respect to the needed housing set out in the additional new defense housing programs and the supplemental programs to area programs previously published, the aids authorized by the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) including a new and more liberal form of Federal Housing Administration mortgage insurance under Title IX of the National Housing Act, as amended, are available. The approval of an application under Housing and Home Finance Agency Regulation CR 3 is required as a condition to the approval by the Federal Housing Administration of an application for mortgage insurance under the provisions of Title IX of the National Housing Act, as amended. The requirements and restrictions imposed by or pursuant to CR 3 are in addition to all applicable requirements, conditions and restrictions imposed by or pursuant to said Title IX.

With respect to any application approved under HHFA Regulation CR 3 for an exception from residential real estate credit restrictions as being within the additional defense housing programs appearing below, residential real estate credit restrictions are suspended.

For the purpose of additional defense housing programs appearing below preference will be given to locations (within the geographical boundaries of the critical defense housing areas) in established communities nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

AMENDMENTS TO DEFENSE HOUSING PROGRAMS PREVIOUSLY PUBLISHED

*Amendment 1.* Area Program numbered 24, appearing in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 10962) is amended by deleting from the program the 30 one-bedroom rental dwelling units originally scheduled, and by changing the number of 2-bedroom rental dwelling units from 35 to 45 and the rental for such 2-bedroom dwelling units from $65.00 to a rental not to exceed $70.00; the number of 3-bedroom rental dwelling units is changed from 10 to 30 and the rental for such 3-bedroom dwelling units from a rental of $75.00 to a rental not to exceed $77.50. The total number of rental dwelling units is still 75, as in the original area program, and the original quota of sales housing, 25 dwellings, remains the same. This amendment is applicable only to unallocated or recaptured units.

*Amendment 2.* Area Program numbered 28, appearing in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 10962) is amended by deleting from the program the 45 one bedroom rental dwelling units originally scheduled, and by changing the number of 2 bedroom rental dwelling units from 180 to 125 and the rental for such 2 bedroom dwelling units from $65.00 to a rental not to exceed $75.00; the number of 3 bedroom rental dwelling units remains unchanged at 75 but the rental for such 3 bedroom rental units is changed from a rental of $75.00 to a rental not to exceed $85.00. The number of 2 bedroom dwellings for sale is changed from 110 to 65 and the sales price of a 2 bedroom dwelling is changed from a sales price not to exceed $8,000 to a sales price not to exceed $9,000; and the number of 3 bedroom dwellings for sale is changed from 40 to 35, and the sales price of a 3 bedroom dwelling is changed from a sales price not to exceed $9,000 to a sales price not to exceed $10,000. The effect of the amendment is to reduce the original quota of defense housing from 300 rental units and 150 sales units to 200 rental units and 100 sales units, respectively.

AMENDMENT ADDING NEW DEFENSE HOUSING PROGRAMS AND SUPPLEMENTAL DEFENSE HOUSING PROGRAMS

160. Williamsport, Pennsylvania.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | | | | | |
| 2 bedrooms | 150 | $60.00 | 100 | $8,000 | 250 |
| 3 or more bedrooms | 50 | 68.00 | 50 | 9,000 | 100 |
| Total | 200 | | 150 | | 350 |

LIST OF DEFENSE ACTIVITIES

AVCO Corporation of America.
Bethlehem Steel Corporation.
Sylvania Electric Corporation (Sunset Park, Williamsport, and Montoursville Plants.)
E. Keeler Company.
Armour Leather Company.
Darling Valve and Manufacturing Company.
Sprout Waldron Company.

CRITICAL DEFENSE HOUSING AREA

Townships of Anthony, Armstrong, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalstock, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Old Lycoming, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf and Woodward; also the Boroughs of Duboistown, Hughesville, Jersey Shore, Montgomery, Montoursville, Muncy, Picture Rocks, Salladasburg, and South Williamsport; and the City of Williamsport, all in Lycoming County.

### 161. New Brunswick-Perth Amboy, New Jersey.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | 50 | $60.00 | | | 50 |
| 2 bedrooms | 175 | 70.00 | | | 175 |
| 3 or more bedrooms | 25 | 80.00 | | | 25 |
| Total | 250 | | | | 250 |

LIST OF DEFENSE ACTIVITIES

Camp Kilmer.
Studebaker Corporation.
Westinghouse Electric Corporation.
Brunswick Ordnance Corporation.
Raritan Arsenal.

CRITICAL DEFENSE HOUSING AREA

Townships of Piscataway, Raritan, Woodbridge, East Brunswick and North Brunswick; the Boroughs of Dunellen, South Plainfield, Middlesex, Metuchen, Highland Park, Carteret, South River, Milltown, and Sayreville; the Cities of Perth Amboy, New Brunswick and South Amboy, all in Middlesex County.

### 162. Bangor, Maine.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | [1] 25 | $65.00 | | | 25 |
| 2 bedrooms | [2] 120 | 75.00 | 50 | $9,000 | 170 |
| 3 or more bedrooms | 30 | 85.00 | 25 | 10,000 | 55 |
| Total | 175 | | 75 | | 250 |

[1] 15 of these units at a rental not to exceed $50.
[2] 35 of these units at a rental not to exceed $60.

LIST OF DEFENSE ACTIVITIES

Dow Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Cities of Bangor and Brewer, the Town of Orono including the unincorporated community of Orono; also the Town of Veazie, all in Penobscot County.

### 163. Harlingen, Texas.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | | | | | |
| 2 bedrooms | [1] 200 | $70.00 | 35 | $8,000 | 235 |
| 3 or more bedrooms | 50 | 77.50 | 15 | 9,000 | 65 |
| Total | 250 | | 50 | | 300 |

[1] 50 of these units at a rental not to exceed $60.

LIST OF DEFENSE ACTIVITIES

Harlingen Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Justice Precincts 3, 4, 6 and 7 in Cameron County and Justice Precinct 1 in Hidalgo County.

NOTE: Programs numbered 164 and 165 are reserved for the Cascade, Idaho and Condon, Oregon Areas, respectively. When programs are developed and prepared for these areas, such programs will be published in the FEDERAL REGISTER as additional new defense housing programs.

### 166. Fremont-Wahoo, Nebraska Area.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | | | | | |
| 2 bedrooms | 50 | $75.00 | 50 | $8,500 | 100 |
| 3 or more bedrooms | 25 | 85.00 | 25 | 9,500 | 50 |
| Total | 75 | | 75 | | 150 |

LIST OF DEFENSE ACTIVITIES

Nebraska Ordnance Plant.

CRITICAL DEFENSE HOUSING AREA

Saunders County; and the Townships of Cotterell, Elkhorn, Maple, Nickerson, Platt and Union, including the Village of Nickerson and the City of Fremont, in Dodge County.

NOTE: Programs numbered 167, 168 and 169 are reserved for the Ely, Nevada, Ephrata-Moses Lake, Washington, and Farmington, New Mexico areas, respectively. When programs are developed and prepared for these areas, such programs will be published in the FEDERAL REGISTER as additional new defense housing programs.

### 170. Bridgeport, Washington.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | | | | | |
| 2 bedrooms | | | 25 | $8,500 | 25 |
| 3 or more bedrooms | | | | | |
| Total | | | 25 | | 25 |

LIST OF DEFENSE ACTIVITIES

U. S. Army Corps of Engineers and its contractors engaged at Chief Joseph Dam.

CRITICAL DEFENSE HOUSING AREA

Census Division 2, including the Town of Bridgeport in Douglas County; and Census Division 8, including the Towns of Brewster and Pateros in Okanogan County.

6 (A). Solano County, California.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | 25 | $60.00 | | | 25 |
| 2 bedrooms | 75 | 70.00 | 50 | $8,500 | 125 |
| 3 or more bedrooms | 25 | 80.00 | 25 | 9,500 | 50 |
| Total | 125 | | 75 | | [1] 200 |

[1] This quota is in addition to the 600 units in Program No. 6 approved June 25, 1951. As indicated by the list of defense activities, the housing herein programmed is for locations in the area which will best serve the requirements of Travis Air Force Base.

LIST OF DEFENSE ACTIVITIES

Travis Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Solano County.

32 (A). Barstow, California.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | 20 | $55.00 | | | 20 |
| 2 bedrooms | [1] 80 | 65.00 | 30 | $8,500 | 110 |
| 3 or more bedrooms | [2] 45 | 75.00 | 50 | 9,500 | 95 |
| Total | 145 | | 80 | | [3] 225 |

[1] A minimum of 25 of these units at a rental not to exceed $50.
[2] A minimum of 25 of these units at a rental not to exceed $60.
[3] This quota is in addition to the 200 units in Program No. 32 approved June 28, 1951.

LIST OF DEFENSE ACTIVITIES

Camp Irwin.
Marine Corps Supply Depot.
Atchison, Topeka & Santa Fe Railroad.

CRITICAL DEFENSE HOUSING AREA

Barstow Township and the area within the United States Marine Corps Depot Military Reservation, all in San Bernardino County.

89 (A). Pine Bluff, Arkansas.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | | | | | |
| 2 bedrooms | 40 | $45.00 | | | 40 |
| 3 or more bedrooms | | | | | |
| Total | 40 | | | | [1] 40 |

[1] This quota is in addition to the 300 rental units in Program No. 89 approved Nov. 29, 1951.

LIST OF DEFENSE ACTIVITIES

Pine Bluff Arsenal.

CRITICAL DEFENSE HOUSING AREA

Jefferson County.

92 (A). Dover-Denville, New Jersey.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | | | | | |
| 2 bedrooms | 75 | $75.00 | | | 75 |
| 3 or more bedrooms | 25 | 85.00 | | | 25 |
| Totals | 100 | | | | [1] 100 |

[1] This quota is in addition to the quota of 275 rental and 125 sales units in Program No. 92 approved Nov. 5, 1951.

LIST OF DEFENSE ACTIVITIES

Warren Foundry and Pipe Corporation.
Alan Wood Steel Company.
Richard Ore Company.
Reaction Motors Company.
Picatinny Arsenal.
Naval Air Rocket Test Station.
Aircraft Radio Corporation.
U. S. Hammered Piston Ring Co., Inc.

CRITICAL DEFENSE HOUSING AREA

Morris County.

107 (A). Big Spring, Texas.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | | | | | |
| 2 bedrooms | 40 | $50.00 | | | 40 |
| 3 or more bedrooms | | | | | |
| Total | 40 | | | | [1] 40 |

[1] This quota is in addition to the 300 rental units in Program No. 107 approved Dec. 11, 1951.

LIST OF DEFENSE ACTIVITIES

Big Spring Air Force Base.

CRITICAL DEFENSE HOUSING AREA

All of Howard County.

145 (A). Parsons, Kansas.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | | | | | |
| 2 bedrooms | | | 10 | $10,500 | 10 |
| 3 or more bedrooms | | | 10 | 11,500 | 10 |
| Total | | | 20 | | [1] 20 |

[1] This quota is in addition to the quota of 75 rental units and 75 sales units authorized by Program No. 145, approved Mar. 3, 1952.

LIST OF DEFENSE ACTIVITIES

Kansas Ordnance Plant.

CRITICAL DEFENSE HOUSING AREA

Labette County.

9 (C). Lone Star, Texas.

NEEDED DEFENSE HOUSING

| Unit size | Rent | | Sale | | Total, rent and sale |
|---|---|---|---|---|---|
| | Number of units | Rental not to exceed | Number | Price not to exceed | |
| 1 bedroom | | | | | |
| 2 bedrooms | 15 | $65.00 | 60 | $8,500 | 75 |
| 3 or more bedrooms | 5 | 75.00 | 20 | 9,500 | 25 |
| Total | 20 | | 80 | | [1] 100 |

[1] This quota is in addition to the quotas of 500 rental units and 50 sales units authorized by Programs Nos. 9, 9 (A) and 9 (B) which were approved July 27, 1951, Dec. 26, 1951, and Mar. 17, 1952, respectively.

LIST OF DEFENSE ACTIVITIES

Lone Star Steel Company.
Consolidated-Vultee Aircraft Corporation.

CRITICAL DEFENSE HOUSING AREA

All of Camp and Morris Counties; Precincts 1, 2 and 8, including Hughes Springs, Linden and Avinger, in Cass County; Precincts 1, 2, 3 and 6, including Jefferson City, in Marion County; Precincts 1, 4, 5, 6 and 7, including Mt. Pleasant, in Titus County; and Precincts 2, 6, and 8, including Ore City in Upshur County. The housing herein programmed is to be located outside of the community of Lone Star and preference in the location of such housing shall be given to the Towns of Avinger, Daingerfield, Hughes Springs, Naples, Ore City and Pittsburg.

RAYMOND M. FOLEY,
*Housing and Home Finance Administrator.*

MAY 14, 1952.

[F. R. Doc. 52-5344; Filed, May 13, 1952; 8:52 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27040]

GRAIN BETWEEN POINTS IN MINNESOTA

APPLICATION FOR RELIEF

MAY 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3921.

Commodities involved: Grain, grain products and related articles, carloads.

Between: Points in Minnesota.

Grounds for relief: Competition with rail carriers, circuitous routes, and to meet intrastate rates.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3921, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 52-5331; Filed, May 13, 1952; 8:49 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

APPAREL INDUSTRY

CORRECTED NOTICE OF HEARING BEFORE SURPLUS MANPOWER COMMITTEE

Pursuant to section 8 of Defense Manpower Policy No. 4 (17 F. R. 1195), relating to placement of procurement in areas of current or imminent labor surplus, notice is hereby given of a public hearing to be held before a panel of the Surplus Manpower Committee in Room 159, Executive Office Building, Washington, D. C., beginning at 9:30 a. m., d. s. t., May 22, 1952.

The purpose of the hearing is to receive evidence with respect to:

1. The nature and extent of the labor surplus in the apparel industry not including shoes, hats and caps, including the availability of skills necessary to the fulfillment of Government contracts and purchases, and the need for preserving these skills in the public interest.

2. The nature and extent of the facilities in the apparel industry, including their suitability and availability for the fulfillment of Government contracts and purchases, and the need for maintaining these facilities in the public interest.

3. Whether it is in the public interest that insofar as it affects the apparel industry, Defense Manpower Policy No. 4 should be applied to the apparel industry as a whole in order to achieve a greater utilization of the manpower skills and facilities of the entire industry than is currently the case.

4. Appropriate methods of applying the policy to the apparel industry in the event an affirmative finding is made under paragraph three above.

Interested persons may submit statements in writing and may appear and present evidence and oral argument at the hearing, and at the close of the hearing may file briefs with the panel. Upon completion of the hearing the panel will make findings and conclusions and submit its recommendations to the Surplus Manpower Committee.

Persons wishing to be heard or to submit statements or briefs, must notify the Secretary of the Surplus Manpower Committee, Room 106, Executive Office Building, Washington 25, D. C., not later than May 19, 1952. Copies of Defense Manpower Policy No. 4 may be obtained from the Secretary of the Surplus Manpower Committee.

OFFICE OF DEFENSE MOBILIZATION,
SURPLUS MANPOWER COMMITTEE,
ARTHUR S. FLEMMING,
*Chairman.*

[F. R. Doc. 52-5383; Filed, May 12, 1952; 2:36 p. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-12, 59-3, 70-1806]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER POSTPONING ARGUMENT

MAY 8, 1952.

In the matters of Electric Bond and Share Company, File No. 54-127; Electric

Bond and Share Company, et al., File No. 59-12; Electric Bond and Share Company, et al., File No. 59-3; Electric Bond and Share Company, File No. 70-1806.

The Commission, on May 2, 1952, having issued its notice of oral argument in the above matter to be held on May 12, 1952, providing that written statements of position and supporting arguments be filed with the Commission not later than May 9, 1952; and

Electric Bond and Share Company and General American Investors, Inc. having requested that such argument be postponed to May 26, 1952 and the date for filing statements of position and supporting arguments be postponed to May 23, 1952; and

It appearing to the Commission appropriate that such request be granted:

*It is ordered*, That all interested persons will have an opportunity to present their views in accordance with the Notice of May 2, 1952, on May 26, 1952, at 2:00 p. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., providing that a written statement of their position and of any supporting arguments is filed with the Commission not later than May 23, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5320; Filed, May 13, 1952; 8:47 a. m.]

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[File No. 70-2839]

NEW ENGLAND ELECTRIC SYSTEM

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO COMPETITIVE BIDDING AND FEES AND EXPENSES

MAY 8, 1952.

New England Electric System ("NEES"), a registered holding company, having filed a declaration with this Commission, pursuant to section 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, regarding the issuance and sale at competitive bidding of 920,573 additional common shares, par value $1.00 per share, and the issuance of subscription warrants to its presently outstanding common shareholders under which such shareholders may subscribe for new common shares on the basis of one new common share for each eight shares held on the record date; and

The Commission, by order dated April 28, 1952, having permitted said declaration to become effective subject to the condition that the proposed issue and sale of additional shares of common stock should not be consummated until the results of competitive bidding pursuant to Rule U-50 should be made a matter of record in this proceeding and a further order entered by the Commission in the light of the record so completed and having reserved jurisdiction with respect to all fees and expenses in connection with the proposed issuance and sale of said common shares; and

NEES having now filed an amendment to its declaration setting forth the action taken to comply with the requirements of Rule U-50, which amendments states that, pursuant to the invitation for competitive bids, the following bids were received:

| | Subscription price | | Underwriters commission | | Net proceeds to company [1] | |
|---|---|---|---|---|---|---|
| | Aggregate | Per Share | Aggregate | Per Share | Aggregate | Per Share |
| Blyth & Co., Inc., Lehman Bros., and Bear, Stearns & Co. | $11,622,234.13 | $12.625 | $363,626.34 | $0.395 | $11,258,607.79 | $12.23 |
| Merrill Lynch, Pierce, Fenner & Beane; Kidder, Peabody & Co., and White, Weld & Co. | 11,392,090.88 | 12.375 | 311,794.00 | .339 | 11,080,296.88 | 12.036 |

[1] After deducting compensation to underwriters but exclusive of reimbursement for fees paid to Dealers pursuant to the solicitation dealer agreement and exclusive of other expenses in connection with the issuance and distribution of the new common shares, and proceeds from the operation of the recapture clause.

The amendment further states that, subject to approval by this Commission, NEES has accepted the bid of Blyth & Co., Inc., Lehman Brothers and Bear, Stearns & Co.

The Commission having examined said amendment and having considered the record herein, and finding that it is appropriate to release jurisdiction with respect to all estimated fees and expenses proposed to be paid, except those for services of independent counsel for the underwriters, independent public accountants, the Transfer Agents and Registrar with reference to the registration and issue of said common shares, the Agents with reference to computing, issuing, mailing and accepting the warrants and those for services in connection with the preparation of documents filed with this Commission and the financial adviser to NEES, with respect to which the record is incomplete, and observing no basis for adverse findings or the imposition of additional terms and conditions with respect to said declaration, as amended, except continuing the reservation of jurisdiction over the fees and expenses excepted above.

*It is therefore ordered*, That the jurisdiction heretofore reserved be, and the same hereby is, released with respect to the matters to be determined as a result of competitive bidding under Rule U-50, and with respect to all fees and expenses to be paid in connection with the issue and sale by NEES of 920,573 additional shares of its common stock, except the fees and expenses for services of independent counsel for the underwriters, independent public accountants, the Transfer Agents and Registrar with reference to the registration and issue of said common shares, the Agents with reference to computing, issuing, mailing and accepting the warrants, the financial adviser to NEES and those for services in connection with the preparation of documents filed with this Commission, and that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject to a reservation of jurisdiction with respect to the fees and expenses excepted above.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5317; Filed, May 13, 1952; 8:45 a. m.]

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[File No. 70-2852]

UNITED GAS CORP.

NOTICE OF FILING CONCERNING ACQUISITION OF GAS UTILITY COMPANY

MAY 8, 1952.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 9 (a) (1) and 10 thereof, as applicable to the proposed transactions which are summarized as follows:

United proposes to acquire all of the outstanding capital stock of Beaumont Natural Gas Company ("Beaumont Natural"), a non-affiliated corporation, and all of the assets (except cash and cash items) of Beaumont Natural used in the business of distribution of natural gas for a base purchase price of $450,000 subject to closing adjustments. The proposed purchase price will be deposited with the First National Bank of Beaumont pursuant to an escrow agreement and will be used to the extent necessary to pay all the liabilities of Beaumont Natural.

United sells natural gas at retail in the states of Louisiana, Texas and Mississippi. Among the more important cities served by United is Beaumont, Texas, which has a population of approximately 94,000 and in which United has approximately 25,000 customers.

Beaumont Natural owns a natural gas distribution system in the City of Beaumont where it operates in competition with United and sells natural gas to approximately 2,000 customers. Beaumont Natural's outstanding capital stock con-

sists of 5,000 shares of which 3,332⅓ shares are owned by Glenn H. McCarthy, 1,666⅔ by George B. Morgan and 1 share by Katharine Conley.

The application states that within ten days after the acquisition of the stock of Beaumont Natural by United, United will surrender such stock to Beaumont Natural in consideration of the transfer by that Company of its properties to United and the dissolution of Beaumont Natural. Accordingly, it is requested that the temporary holding by United of the securities of Beaumont Natural should not cause United to be a holding company as defined in the Holding Company Act.

The application indicates that Beaumont Natural has been obtaining natural gas from a nearby field for 5 cents per mcf. However, due to depletion of this field, the President of Beaumont Natural has stated that that Company will be required to pay a city gate price ranging from 16 cents per mcf for industrial gas to 19 cents per mcf for residential gas and that it would be necessary for either the Company to dispose of its properties or make application for a substantial increase in rates.

The base purchase price of $450,000 proposed to be paid by United exceeds the net fixed assets of Beaumont Natural by approximately $234,000 and is approximately $133,000 in excess of such net fixed assets and intangible assets.

The application further states that a thorough review of the entries on the books of Beaumont Natural is necessary and accordingly requests sufficient time after the consummation of the transaction proposed to complete such review. United will reflect the purchase price in Account 391 of the NARUC Uniform System of Accounts for Gas Utilities and will submit to this Commission proposed journal entries to clear from this account the cost of the properties acquired.

Under the provisions of Texas law (Article 1268 of Ch. 20, Title 28, of the Civil Statutes of Texas) the proposed acquisition of the stock of Beaumont Natural by United was submitted to a vote of the qualified voters of the City of Beaumont pursuant to an ordinance of the City Council of the City of Beaumont calling an election on May 6, 1952. The results of this election will be set forth in an amendment to be filed by United.

Notice is further given that any interested person may, not later than May 22, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. At any time after May 22, 1952, this application, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5321; Filed, May 13, 1952; 8:47 a. m.]

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[File No. 70-2862]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF FILING REGARDING ISSUANCE OF FIVE AND ONE-HALF MONTH BANK LOAN NOTES

MAY 8, 1952.

Notice is hereby given that a declaration has been filed with this Commission by Wisconsin Public Service Corporation ("Wisconsin"), a public utility subsidiary of Standard Power and Light Corporation and Standard Gas and Electric Company, both registered holding companies. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

Wisconsin presently has outstanding $5,500,000 of 2½ percent nine-month bank loan notes maturing June 10, 1952. Wisconsin purposes, on or prior to June 10, 1952, to issue $6,500,000 of new 3 percent five and one-half month bank loan notes ("new notes") to several banks and simultaneously to retire the presently outstanding bank loan notes. Wisconsin will have the privilege of prepaying the notes without premium.

The declaration states that the net proceeds to be derived from the proposed transactions will be used to finance a portion of Wisconsin's proposed construction expenditures. Wisconsin also states that it may undertake permanent financing, in a manner not yet determined, prior to the due date of the new notes and use a portion of the proceeds of such permanent financing for the payment of the new notes.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions.

Wisconsin estimates that the expenses in connection with the proposed transactions will not exceed $500.

The declarant requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than May 22, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 22, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5319; Filed, May 13, 1952; 8:46 a. m.]

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[File No. 70-2864]

COLUMBIA GAS SYSTEM, INC. AND KEYSTONE GAS CO., INC.

NOTICE REGARDING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

MAY 8, 1952.

Notice is hereby given that a joint application has been filed with this Commission by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and The Keystone Gas Company, Inc. ("Keystone"), a subsidiary company of Columbia, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 (b), 9 and 10 of the act have been designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Keystone proposes to issue and sell and Columbia proposes to acquire, at par, $100,000 principal amount of 3⅝ percent Installment Promissory Notes, the proceeds from which will be used by Keystone for the purpose of financing a part of its 1952 construction program estimated to cost $147,800.

In addition, it is proposed that Keystone's outstanding 2¾ percent open account loans in the principal amount of $100,000, owing to Columbia and repayable on June 1, 1952, be funded into long-term securities. Keystone proposes to issue and Columbia proposes to acquire, at par, $100,000 principal amount of 3⅝ percent Installment Promissory Notes as payment and liquidation of the aforementioned open-account loans.

Keystone represents that the said Notes would be registered and the principal amounts thereof would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount thereof, at the rate of 3⅝ percent per annum, would be payable semi-annually on February 15 and August 15.

It is stated that the issuance and sale of the 3⅝ percent Notes by Keystone are subject to the jurisdiction of the Public Service Commission of the State of New York.

Notice is further given that any interested person may, not later than May 23, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hear-

ing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 23, 1952, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5318; Filed, May 13, 1952; 8:46 a. m.]

## ECONOMIC STABILIZATION AGENCY

### Office of Price Stabilization

[Region VI, Redelegation of Authority 30]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 60 (17 F. R. 3220), this Redelegation of Authority No. 30 is hereby issued.

1. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky and Toledo, Ohio District Offices of the Office of Price Stabilization:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under section 2.12 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This redelegation of authority shall take effect as of May 7, 1952.

SYDNEY A. HESSE, *Director of Regional Office No. VI.*

MAY 9, 1952.

[F. R. Doc. 52-5347; Filed, May 9, 1952; 4:48 p. m.]

[Region VI, Redelegation of Authority 31]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 61 (17 F. R. 3258), this Redelegation of Authority No. 31 is hereby issued.

1. Authority is hereby redelegated to the District Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of the Office of Price Stabilization, to act under sections 4 (a) (6), 6 (c), 6 (d), 7 (c), 9 (b) (3), 10, 14 (e) and 16 (b) of CPR 134.

This redelegation of authority shall take effect as of May 7, 1952.

SYDNEY A. HESSE, *Director of Regional Office No. VI.*

MAY 9, 1952.

[F. R. Doc. 52-5348; Filed, May 9, 1952; 4:48 p. m.]

[Region VI, Redelegation of Authority 32]

DIRECTORS OF DISTRICT OFFICES, REGION VI

DELEGATION OF AUTHORITY TO ACT ON FINAL PRICING METHOD AND ADJUSTMENT PROVISIONS OF CPR 13

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 62 (17 F. R. 3258), this Redelegation of Authority No. 32, is hereby issued.

1. Authority is hereby delegated to the Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky and Toledo, Ohio District Offices of the Office of Price Stabilization.

(a) To request of any seller of petroleum products who is covered by Ceiling Price Regulation 13 further information regarding such seller's filing of a price under the provisions of section 13 and 18 of Ceiling Price Regulation 13, or regarding his application for adjustment under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(b) To grant, revise or deny applications for adjustment made under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(c) To approve, disapprove, or revise ceiling prices determined under the provisions of sections 13 and 18 of Ceiling Price Regulation 13.

This redelegation of authority shall take effect as of May 7, 1952.

SYDNEY A. HESSE, *Director of Regional Office No. VI.*

MAY 9, 1952.

[F. R. Doc. 52-5349; Filed, May 9, 1952; 4:48 p. m.]

[Region XII, Redelegation of Authority 42]

DIRECTORS OF DISTRICT OFFICES, REGION XII

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 60 (17 F. R. 3220), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under section 2.12 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This redelegation of authority shall take effect as of May 7, 1952.

JOHN H. TOLAN, JR., *Director of Regional Office No. XII.*

MAY 9, 1952.

[F. R. Doc. 52-5350; Filed, May 9, 1952; 4:48 p. m.]

[Region XII, Redelegation of Authority 43]

DIRECTORS OF DISTRICT OFFICES, REGION XII

REDELEGATION OF AUTHORITY TO MAKE EXEMPT PURCHASES OF LIVE CATTLE UNDER SECTION 6 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 63 (17 F. R. 3471), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to take appropriate action under section 6 of CPR 23. All actions taken by district offices under section 6 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of May 7, 1952.

JOHN H. TOLAN, Jr., *Director of Regional Office No. XII.*

MAY 9, 1952.

[F. R. Doc. 52-5351, Filed, May 9, 1952; 4:48 p. m.]

[Region XII, Redelegation of Authority 44]

## Directors of District Offices, Region XII

### Redelegation of Authority to Act on Final Pricing Method and Adjustment Provisions of CPR 13

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 62 (17 F. R. 3258), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII:

(a) To request of any seller of petroleum products who is covered by Ceiling Price Regulation 13 further information regarding such seller's filing of a price under the provisions of sections 13 and 18 of Ceiling Price Regulation 13, or regarding his application for adjustment under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(b) To grant, revise or deny applications for adjustment made under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(c) To approve, disapprove or revise ceiling prices determined under the provisions of sections 13 and 18 of Ceiling Price Regulation 13.

This redelegation of authority shall take effect as of May 4, 1952.

John H. Tolan, Jr.,
*Director of Regional Office No. XII.*

May 9, 1952.

[F. R. Doc. 52-5352; Filed, May 9, 1952; 4:48 p. m.]

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## List of Community Ceiling Price Orders

### Regions V and XII

The following Orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on May 7, 1952.

#### Region V

Jacksonville Order G1-8, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:29 p. m.

Jacksonville Order G2-8, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:29 p. m.

Jacksonville Order G3-8, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:29 p. m.

Jacksonville Order G3A-8, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:30 p. m.

Jacksonville Order G4-8, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:30 p. m.

Jacksonville Order G4A-8, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:31 p. m.

#### Region XII

Fresno Order G1-8, covering retail prices for certain dry grocery items sold in the Fresno, Area, filed 4:31 p. m.

Fresno Order G2-8, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 4:32 p. m.

Fresno Order G4-8, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 4:32 p. m.

Fresno Order G4A-8, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 4:32 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

Joseph L. Dwyer,
*Recording Secretary.*

[F. R. Doc. 52-5353; Filed, May 9, 1952; 4:50 p. m.]